1179.

SUPREME COURT OF THE UNITED STATES.

No. 177.

THE UNITED STATES, APPELLANTS,

vs.

ETIENNE ALPHONSE BOISDORE, LAURENT BOISDORE, SIDNEY BOISDORE, MATHILDE AND ALERINE NICOLAS, WIDOW OF MANUEL FABRE DANONY, CAROLINE NICOLAS, ELISE NICOLAS, JOSEPH MANUEL DE LABARRE, DELPHINE VICTOIRE DE LABARRE REAL AND HER HUSBAND CHRISTOVAL REAL, LOUIS DEJEAN, ANTOINE BOISDORE DEJEAN, AND MANATTE DEJEAN PARDON AND HER HUSBAND VINCENTE PARDON, HEIRS OF LOUIS BOISDORE.

APPEAL FROM THE DISTRICT COURT UNITED STATES FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

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UNITED STATES OF AMERICA,
Southern district of Mississippi, to wit:

At a district court of the United States in and for the southern district of Mississippi, begun and held at the city of Jackson, on the second Monday of November, A. D. one thousand eight hundred and forty-seven, for the adjustment of land claims, in pursuance of the act of Congress, entitled "An act to provide for the adjustment of land claims within the States of Missouri, Arkansas, and Louisiana, and those parts of the States of Mississippi and Alabama south of the thirty-first degree of north latitude, and between the Mississippi and Perdido rivers." Approved June 17, 1844.

Present: The honorable Samuel J. Gholson, district judge; Thomas Fletcher, marshal; William Burns, clerk.

Among other, were the following proceedings, to wit:

THE HEIRS OF LEWIS BOISDERE,
vs.
THE UNITED STATES OF AMERICA.

Be it remembered, that heretofore, to wit, on the first day of February, A. D. one thousand eight hundred and forty-five, the following petition was filed in the clerk's office of said court, to wit:

To the honorable Samuel J. Gholson, district judge of the United States district court, for the southern district of the State of Mississippi, sitting in Jackson, in said State, for the trial of Spanish claims, under the treaties between the United States and the governments of France and Spain, and in pursuance of the acts of Congress of 1824 and 1844.

The petition of Etienne Alphonse Boideré, Laurent Boisdere, Sidney Boisdere, Mathilde and Alerine Nicolas, widow of Manuel Fabre Danony, Caroline Nicolas, Elise Nicholas, Joseph Manuel de Labarre, Delphine Victoire de Labarre Real and her husband Christoval Real, Louis Dejean, Antoine Boisdere Dejean, and Manatte Dejean Pardon, and her husband Vincente Pardon, against the United States of America.

Your petitioners respectfully represent unto your honor, that they are the grand children, or have intermarried with the grand children, and only surviving heirs of Louis Boisderé, deceased. That their ancestor, during his lifetime, intermarried with Margaret Doussain, both of whom are now deceased, but of which marriage there was the following issue:

1st. Louis Boisdore, who died without heirs.
2d. Valery Boisdore, who died leaving three children, viz:
1st. Étienne Alphonse Boisdoré.
2d. Laurent Boisdore, and
3d. Sidney Boisdoré.

3d. Margaret Boisdore, wife of Valney Nicolas, both dead, and represented by their three children, viz:

1st. Mathilde Valerine Nicolas, widow of Manuel Fabre Dannoy.

2d. Caroline Nicolas.

3d. Elise Nicolas.

4th. Rosette Boisdoré, wife of Gilbert de Labarre, both dead, and represented by their children, viz:

1. Joseph Manuel de Labarre.

2. Delphine Victoire de Labarre, wife Christoval Real, residing in Havanna.

5th. Marie Angelique Boisdoré, wife of Jean Baptiste Cadet Dejean, both dead, and represented by their children, viz:

1. Louis Dejean.

2. Antoine Boisdoré Dejean.

3. Manette Dejean, wife of M. Vincent Padron.

6th. Elise Boisdoré, wife of Col. Guillemard, dead, without leaving issue.

Your petitioners represent to your honor, that their ancestor was an inhabitant and citizen of Florida, and of that tract of country now known as Louisiana, while it was under the dominion of the government of Spain; also, subsequently, while it was under the government and domination of France. That while that portion of the country now known as Hancock county, in the State of Mississippi, was still under the government, and a part of the dominion, of Spain, their ancestor procured the following grant and concession of land from said government under legal form, as follows:

In 1783, April 26, Louis Boisdoré presented his petition to Dn. Estivan Miro, governor general of the province of Louisiana, setting forth that he intended to form a grazing farm (vaqueria) in the neighborhood of the bay of St. Louis, in the district known by the name of Acouchoupoulus, for himself and his whole family, which was very large, as was known to the Government, and that in order to employ his negroes and a large quantity of cattle which he owned in that region, which was nearly uninhabitable, and only suited for a grazing farm. Wherefore he prays, in consideration of the premises, as well as of the advantages which would result from such an establishment, which he had already begun to form in the neighborhood of the capital, that there be granted to him all the vacant land in the district called Achucoupoulous, to begin at the plantation of Philip Saucier, thence to the bayou known as the Bayou of the Village of Musquitoes, formerly inhabited by Mr. Lee, and extending in depth to Pearl river, for the purpose of forming a plantation and grazing farm for himself and his family, &c.; in compliance with which petition the order of the Governor sets forth and grants:

That, considering the reasons above set forth, as well as the advantage and ability of the establishment of a grazing farm in the vicinity of the capital, in a district little suited to cultivation, the surveyor of the province, Dn. Carlos Laveau Trudeau, will establish Louis Boisdoré

on the land prayed for in the preceding memorial, without interfering with the claims of prior inhabitants, &c., which order was signed

MIRO.

On the 27th of February, 1808, Margaret Doussin, widow of Louis Boisdoré, employed Gilbert Guillemard to apply for the fixing of the boundaries of a tract of land, and procure a title in due form to the said tract, situated at the Bay of St Louis, &c., and granted to Louis Boisdoré by Dn. Estavan Miro 26th April, 1783. By virtue of which Col. Guillemard presented a petition, setting forth the concession as above, and stating further, that De Carlos Laveau Trudeau had, on account of his many important occupations, as well as on account of the expense of the survey, failed to make such survey, but that, nevertheless, Louis Boisdoré, in order to preserve his concession, had sent much cattle thither, and employed an overseer, named Augustine Malette, on his said plantation, and who was still there. That, under these circumstances, the widow, believing that she had title, remained inactive, until informed that her title is not in due form; wherefore he prays for a survey, &c.

This request was granted, and an order given to the surveyor general, De Vincente Sebastian Pintada, 7th April, 1808, to make the survey, by the then governor of Florida, Morales.

Pintado reports, that Governor Miro, having granted to Louis Boisdoré all that tract of land contained between the plantation of Philip Saucer, on the bay of St. Louis, the rivulet, or bayou of the village of Musquitoes, in the district called Achucupulus, which was confirmed by the intendant, Morales, 7th April, 1808, and he having been unable to visit said district for the last two years, and having no deputy there, and the heirs requiring that he should furnish them an authentic document, establishing their title, for which purpose he granted the act and figurative plan accompanying it, formed according to an ancient survey, which plan represents the form of the land, &c. All of which will more fully appear by said original grant, marked exhibit (A), and prayed to be taken as a part of this petition.

Your petitioners further represent, that Don Estevan Miro, the governor general of Louisiana, who made the original grant in 1783, and the governor of the Floridas, Morales, who granted the confirmation in 1808, both had good right to grant and convey said lands, by the laws, usages, custom, and instructions of the Spanish government; that said grant was made in due form of law to Louis Boisdoré, as before described, and constituted a perfect grant previous to the purchase of Louisiana by the United States, and is also protected by the treaty of the United States with France for the purchase of Louisiana, as well as by the treaty of the United States with Spain for the purchase of the Floridas; that Spain still had good right to grant and confirm the same in 1808, according to the laws, customs, and usages of nations. Your petitioners are advised that the surveys of said grant are regular, and have been actually made as required by the laws of Spain, and that

the same had been fully and legally separated from the public domain of Spain. They are further advised, that said grant being a descriptive grant, calling for a natural boundary at Shieldsborough, in said county of Hancock, and running back to Pearl river, that it would have been a good and valid grant without any actual survey; but they further allege, that such survey has actually been made under the authority of the Spanish government, while Spain was rightfully the owner of the country, and in possession of the same. Your petitioners further allege, that their ancestor, Louis Boisderé, during his lifetime, and his representatives after his decease, occupied, possessed, and cultivated said tract of land, from 1783 until the year 1828. That their ancestor, and his widow and representatives, kept up and supported said plantation and grazing farm upon said land during the whole of that period of time, and fully complied with all the conditions of the grant, and all the laws, customs, and usages of Spain in relation to grants of its public domain.

Petitioners further allege, that they regularly complied with the acts of Congress, and presented their claim to the commissioners for the adjustment of claims, for the district of country east of Pearl river. That the grant was translated and recorded in the proper office; that the evidence was taken to establish the grant and right of your petitioners, all of which is on record. That two reports were made by the commissioners upon said claim, the last of which recommended it for confirmation, such grant being larger than the commissioners had a right to confirm under the act of Congress. Petitioners will procure a certified copy of the translation of said grant from the files of the land office, together with the testimony taken before the commissioners, and their report; which, when procured, they pray may be taken as part of this petition, and marked exhibit (B.)

Petitioners further allege, that they are advised that the confirmation of 1808, by the Spanish government, was a final adjudication of their rights, and fully determined that all the acts required by the Spanish government, in order to constitute a perfect grant, had been complied with by Louis Boisderé, and his legal representatives; and that by said confirmation their right and title in the premises became perfect and indefeasible.

Your petitioners further inform your honor, that, notwithstanding their clear right to the land embraced within said grant, the Government of the United States directed the same to be surveyed, and proceeded to sell large portions thereof, and to treat it in all respects as a part of the public domain of the United States. Your petitioners are advised, that under the act of Congress of 1842, and the amendments thereto, for the adjustment of land titles in the Missouri territory, they are not compelled to make parties to this proceeding such persons as may have received grants from the United States of lands embraced within the boundaries of said grant. They therefore pray that the United States of America may be made parties defendant to this proceeding, as the law requires. That your honorable court would pro-

ceed to adjudicate and adjust their rights according to the acts of Congress, the treaties with France and Spain, and the laws and usages of the same, and the laws of nations. That, upon the final hearing of their petition, your honor decree to them title and possession of said land, or such portion of the same as has not been granted away by the United States; and that a survey be decreed, according to law, to ascertain the extent of said grant, and what lands have been granted away within the limits of the same; and that, for such lands thus granted, other lands, according to law, be granted to your petitioners, out of the vacant public domain of the United States, or right to enter the same at the public land office, as the act of Congress directs. And for such other and further relief as equity and the justice of the cause may require, and as may seem meet unto your honor, &c.

(Signed) V. E. HOWARD,
Solicitor for petitioners.

(Signed) G. SCHMIDT, *Counsel.*

Exhibit A.

Ano de 1808. Dn. Gilberto Guillemard, avoderado de Ma. Boisdore, solicitando el titulo de uno tierra en el paraje que llaman Achucoupoulous.

Señor Gobor. Grāl:

Dn. Luis Boisdoré, vecino de esta ciudad, con el debito respeto a me V. S. me presento y digo: que deseande formar una habitacion y vaqueria en los contornos de la bahia de San Luis, en el parage llamado vulgarmente Achucoupoul vara toda mi familia y consid como es movero á V. S. y a demas para poder emplear todos mio negros en ella, y mantener on parti de considerable de ganados que tengo yá en th parage que se halla quasi inhabitable, solamente proprio á vena vaqueria: sen deservir V. S. termendo presente lo arriba expuesto, y el beneficio qe. resultara á la capital una vaqueria considerable como la qe. yá he comencdo á forman en el enunciado parage y a proximida de ella, concerderme la porcion de tierra que se halla vacante en el menciona de parage conocida bàxo el nombre de Achucoupoulous, á tomar des de la habitacion de Felipe Saucier, hasta el bay ullamado Bayu de la Aldea de los Marogoins, habitado amerios de par Me. Li con la profundidad hasta la rivier Perles, á fin de poder formar con facilidad la enunciada habitacon. y vaqueria por toda mi dha. familia como va relacion gracia que espero onjurta. de la distribution qe. V. S. administra. Nva. Orleans, 1 de Abril, 1783.

(Signed) L. BOISDORE.

Nuéva Orleans, 26 de Abril, de 1783.

Constandome los pindados razones que esta paro expone, y respecto á la utilitad y provecho que resultará á la capital de establecer una vaqueria en aquellos parages poco aptos pane cultivo alguno, el agrimensor de la provincia, Dn. Carlos Leveau Trudeau, establecerá à Dn.

Luis Boisdoré sobre la porcion de tierra que solicita en el antecedente memorial, situada en el parage llamada vulgarmente Achucupulus, tomando por el frente de la hacienda de Phelipe Saucier, vecino del dicho parage, hasta el bayu nombrado bayu de la Aldea de Mar , con la profundidad hasta el rio de P estando vacante, y no causando perjuicio quno. à los circumvecinos, tanto en el prente, como en la profundidad con los diligencias estenderá a continuacion formando las con los antedichos, y me las remetira para proveeral interesado del correspondiente titulo en forma.

(Signed) MIRO.

Sepase que yo, Da. Margaritta Doussin, viuda de D. Luis Boisdoré, vecina de esta ciudad, otorgo que doy todo mi poder amplio bastante, quanto pondro lo requiere y sea necesario, á D. Gilberto Guillemard, teniente coronel de los rls. extos., reindte. en la Plaza de Panzacola expecial, pa. qe. á un nombre y representando una propia persona, dros. y acciones, se presente tribunal qe. corresponda, para solicitar el apeo y deslinde de una tierra que me concedió D. Estevan Miró, goberor. qe. fue de esta provincia de la Luisiana, en veinte y seis de Abril de mil setecientos ochienta y tres, situada en los cercanos de la Bahia de Sn. Luis, en el parage vulgarmente llamado *Achucupulus*, consequente á la representacion qe. en el particular le presente en el citado año, que al intento le dirigire; y asi mismo, para que concluido dho. apeo, solictire del mismo tribunal el titulo correspondiente en forma de dha. concesion de tierra; pa. todo lo qual, siendo necesario se presente ante las Tuineras que sean competente con escritos, escrituras, tgos. probamais y los demas secandos y papeles qe. por bien tubiere sacandolos, de donde se hallaren ; veapresentar, pivar y conocer los que por alguna parte opositora se produxeren pongales objeciones y tach

querimiento y recusaciones ; pida execuciones, priviares, solturas, embargos, desembargos, tranze y remate de bienes de qe. tiene posesion y amparo; lo favorable convienta, y de lo perjudicial suplique y apele, siga las apalaciones para donde, ante quien con dezapo deba; y en caso de alguna duda ó dificultad que pueda ofrecerse, se comprometer á arbitros, arbitradores amigables, con pondores, que las resuelvan y determinen; y finalmente procese, actue obre todas las demas diligencias, judiciales y extrajudiciales, que ofrecieren, sin omitir alguna que se quier; de desuerte que por falta de poder clausula, ó circunstancia expecial que en este deba incluirse, dexescobrar quanto se ofreciere, por que para todo se lo confiere bastante sin limitacion, con libre, franca, y genetal administracio, incidencias y dependencias, facultad de enpriciar, proar, substituer, revocar, substitulo, y nembrar otros con relevacion en forma: y, á la formeza de lo que obrare, obligo mis bienes presentes y fitueros en toda forma de derecho: En cuio testimonio, es fecha la carta, en esta ciudad de la Nueva Orleans, y seis de Febrero de mil ocho cientos y ocho años, y el trigesimo-segundo de la independencia Americana. Yo, el notario publico, doy fé conozco á la otorgante que lo

firmó, siendo tgos. D. Claudio Beleurgey y D. Andrés Chastant, vecinos y presentes.

MARGUERITE DOUSSIN,
Ve. Boisdoré.

STEPHEN DE QUINONES,
Notaire Public.

Certifico que la copia anterior es conforme á su original, que queda en el archivo de mi cargo, á que me refiero; y, á pedimento de parte, doy la presente en esta ciudad de Nueva Orleans, á veinte y siete de Febre. de mil ochocientos y ocho años, y el trigesimo-gundo de la independencia Americana, que firmé y sellé con el sello de mi oficio.

(Signed) STEPHEN DE QUINONES,
[L. S.] *Not'e Pub.*

SOR. INTENDE. GENERAL:

Dn. Gilberto Guillemard, teniente coronel de exercito y sargento mayor qe. fue de la Plaza de la Nueva Orleans, con la atencion que devé á V., hace presente: Que, pr. decreto del Sr. Dn. Estevan Miro, govr. general que fue de la retrocedida prova. de la Luisiana, de 26 Abril de 1783, que acompaña en la instancia, No. 1o., Dn. Luis Boisdoré, vecino de dha. plaza, obtuvo la concesion de un pano de tierra, para establecer una baquería, situado en el parage nombrado Achoucoupoulous, estensivo desde la havitacion de Felipe Saucier hasta el Bayu de la Aldea de los Musquitos, y la profundidad hasta el Rio de Perlas, y aunque en aquel tiempo, por las gunchas ocupaciones á que tenia á que atender el agrimensor, Dn. Carlos Lavau Trudeau, en el apeo y medicion de tierras de valor en la misma provincia, y, pr. los considerables gastos, qe. haviese sido preciso hacer, no procedio al deslinde y medida de dha. tierra, no por esto dexo el agraciado de trasladar á ella mucho ganado vacuno, y poner de guardian al nombrado Augustin Malette, qe. existe en el dia, para conservar su derecho de propiedad; en esta inteligencia a vivido su viuda, Da. Margareta Doussin, confiada en al referido decreto. Pero, desenganada pr. alguno de qe. carece del titulo en forma, ha conperido al exponente el pi er qe. en testimonio, presenta ba o el número 2, en que le da facultad pa. representar sus acciones en este tribunal, solicite el apeo y deslinde de la tierra concedida pr. el actual agrimensor, Dn. Vinte. Sebastian Pintado, y reclame el referido título, que le ponga al abnego de la propiedad á que le va derecho la posecion de cinca de veinte y cinco años que estableció la baquería en cuya virtud.

A V. suplica se serva, haviendo pr. presentado los dos referendos documentos, mandar que pra. expresado agrimensor se proceda al deslinde, apeo y formacion del plano figurativo, con formalidades establecidas, y que encontrandose conformes, y sin impedimento, se despacha el título correspond. á favor de dha. señora viuda, como muger legitima que fue del mencionado Dn. Luis Boisdoré, en lo qe. receverá gracia y merced.

Panzla., 4 de Abril de 1808.

(Signed) GILBERTO GUILLEMARD.

[REC. CLXXVII, D. T. 1848.]—2

PENZACOLA 21, *de Abril de* 1808.

Pon presentado contos documtos. adjun tos vista al sr. ministro mi fiscal de real hacienda.

(Signed) MORALES. DN HEREDIA.
JUAN MORALES, VINCENTE IGNACIO RAMOS.

En dictio dia mes y año nosotros los testigos de asistencia tircimos saber a Dn. Gilbto. Guillemard el anterior decreto.

(Signed) MORALES,
RAMOS.

Lo participamos al sor. ministro fiscal interino de real hacienda.

(Signed) MORALES,
RAMOS.

El fiscal interino de rl. hada. en virta de la soliciond hecha por D. Gilberto Guillemard, fenl. conl. y sargte. mr. qe. fue de la plaza de Na. Orleans, a nombre de Da. Margarita Doussin, viuda de Dn. Luis Boisdoré, pa. qe. se le provea de titulo en forma de propiedad de un paño de tierra, situado en los contornos de la bahia de Sn. Luis en el parage nombrado Achucupulus, tomando par el frente or la hacienda de Felipe Saucier, hta. bayu nombrado de la Alden de Mosquitos, con la profundidad hta. el Rio de Perlas, que por decrito de 26 de Abril de 1783 le concedio el Sor. Govor. Genl. qe. fue de la provincia de la Louisiana, y esta Florida, Dn. Estevan Miro, y dice que fue reficandore la en posecion que hace el Sor. Promovonoe un la deposicion de la circunvecinos, sobre qe. el agraciado permanecia en quiera y pacifica posesion de dha. tierra hta. la presente, y le vitimada la persona dem poden dante, et depareca el Fiscal, qe. no causando porjuicio, prude V. ratifican el citado decreto prives el plain figurativo y certificacion de apeo qe. ha depracvicar el agrimr. genl. de esta provincia, vm Feniente, á cuyo efecto de ha deservin V. mandar qe. el sor. sub-delegado de Movila, u sindico ve aquel parage autorizen dha diliga. y qe. evamadala de vuelvan a cue tribunal pa. provente el titulo en forma qe. solicera en los terminos prescriptos en el reglamto. formado por cua turarda. qe. en 17 de Julio de 1779 rembrando conforme cito ano. Dado en forma de rl. hacienda de 22 de Novre. de 1806. El tribunal sin embargo resolvera lo qe. sea mas conforme á justicia qe. pide fiscal. Panzacola 6 de Abril de 1808.

(Signed) JUAN LOIADA.

Penzacola 7 de Abril de 1808.

Autos y virtos pasere este expediente al agrimensor general provincia para que por si ô su depuntado de cumplimento al decreto del sr. gobr. de la Luisiana de viente y seis de Abril de ochenta y tres de solviendo las remittas con el plano para la probidencia, of corresponda. Mera. dom me.

MORALES, DN. HEREDIA,
(Signed) JUAN MORALES, VINCENTE IGNACI RAMOS.

En el mismo dia lo panticipamos al sor. ministal fiscal interino a real hacienda Dn. Juan Lorada. MORALES,
(Signed) RAMOS.

Ygualmente lo hicimos saben à Dn. Gilberto Guillemard.
(Signed) MORALES,
RAMOS.

En dho. dia notificamos el anterior decreto al agrimensor general Dn. Vicente Pintado entregandole este expediente. MORALES,
(Signed) RAMOS.

Don Vincente Sebastian Pintada, agrimensor general de la Florida occidental por S. M.

Por quanto el Sor. Don Estivan Miro, gobernador general que fue de la Louisiana y esta provincia, por su decreto de veinto y seis de Abril, de mil setecientos ochenta y tres, concedió á Don Luis Boisdore, habitante enta dicha primera provincia, todo aquel trecho de tierra contenido entre la habitacion de Felipe Sancier en la bahia de San Luis el Arroyo de la Alden de Mosquitos y el Rio de Perlas, parage llamado Achucupulus, como mas latamente consta por dicha concesion, la que por custo de siete de Abril de mil ocho cientos y ocho, confirmo el Sor. Don Juan Ventura Morales, intendente general interino de esta provincia con dictamen del Sor. Assesor de la yntendencia Don Josef Francisco de Heredia, mandando se me pāsase el expedente para que yo por mi ŏ por mi diputado diese cumplemiento al ante dicho decreto de veinte y seis de Abril de mil setecientos ochonta y tres, consequente a lo que represento el teniente Coronel Don Gilberto Guillemard, apoderado especial de Da. Margarita Doussin, viuda del citado Don Luis Boisdore; y habiendose pasado yá dos anos emergentes sin haber podido pasar personalmente á practicar el deslinde y apeo aquerido, y no tener en aquel parage deputado que pueda verificarlo; reclamando los herede vos por lo mismo se les despachase documento antenco por done hacer constar el derecho propriedad dominio y senoria que a dichas tierras habian y tenian en virtud de dicha concesiones, y la extensian, forma y figura que debia tener dicho trecho de tierra, para poder usufructuarlo y disponer de el como su propriedad heredada del ante dicho concesionario: Por tanto para los fines expresados, he despachado este documento y plano figurativo que acompana, firmado pornien este fecha, y formado segun un antiguo apeo; en yo plano representa el terreno con la forma, figura, y extension que debe tener, y los lindros, terminos cotos y confines naturales y artificiales que le deben servin de limites, para que a demas de servir de resguardo à los interesados, puedan igualmente emplear à qualquiera de mis diputados, que autorizo por este en debida forma, y en defecto de estos, à alguna otra persona de notoria integridad y conocemientos el arte geodetico para que a solicitad de las partes practique de unevo el deslinde y apeo conformandose en todo al antecedente plano, por lo respectivo à los partos principales, direccion de sus limites y confines naturales que debe tener; pero practi-

cando las medidas con la exactitud y precision geometrica que se requiere, y dandome cuenta del resultado para la debida anotacion en esta oficina de agrimensura general, para que conforme a ello se le pueda despachar el titulo; á cuio fin mencionara el numero fixo de arpanes planos que entre los limites indicados se hallaren, contando cien perchas quadradas de superficie plana por arpan de area, y diez y ocho pies de Paris por percha lineal, segun costumbre agraria y uso geodélito de esta provincia; y de modo que linde el terreno por las parte septentrional con tierras realengas, por la meridional con la costue a orilla del Mar, por la oriental con idem y parte de la bahia de Sn. Luis, y por la occidental con el mencionado Rio de Perlas, como mas clammente representa el plano anex; pero sin que por esto se pueda causas perjuicio á tercero que mejor derecho tenga, mi despojar de la posesion que de buena fé haya adquirido qualquiera individuo antes de esta fha. amena que no sea por determinacion superior; observando que à los habitantes de la bahia de Sn. Luis les que de la profundidad ordinaria, y en particular a la tierra de Felipe Sancier, punto don de empieza la linea que al oeste corregido corrió y debe correr hasta el referido Rio de Perlas, sobre cuio Rio y margen oriental de el y dentro de los limites determinados se hallan las concesiones en forma de Dn. Juan Bautista Rousere y de Da. Margarita, viuda de Dn. Gorge Antonio Meninger, lindando una con otra, y de un mil y seis cientos arpanes planos cada una, y entos parages anotados en el precedente plano, las que cada qual tiene quatrocientas perchas linea les de frente al rio, sobre otras quatrocientas de profundidad con limites para le los dirigidos al norte 81° 30′ E., de la Cruxula, segun se hallan registradas entos libros de este archivo de mi cargo, cuias concesiones se deben respetar sin que se les altere en nada; y lo mismo se ha de observa con la concesion que hizo el Gobi-

[For plat see original, page 17.]

erno Britanico a Juan Claudio Favre, perteneciente hoy a su hizo Dn. Simon Favre, la que es un mil y dos cientos acres Ingles es equales con corta diferencia, a un mil quatro ciento diez y ocho arpanes de nuestra medida, que que da igualmente dentro de los limites fixados á lo herederos del difunto Dn. Luis Boisdoré, pues los quinientos arpanes concedidos á Ambrosio Tains parecen que dar fuera. Tambien hay otra reclamacion de Dn. Simon Favre á nombre de su cunado Eugenio Chastang, de ocho cientos arpanes planos en el lado del este del dicho Rio de Perlas à seis leguas de su boca, que solicito en trece de Octubre de mil ocho cientos quatre, y semandó meder y estimar en diez y nueve del mismo; siendo estas las solas propriedades y reclamaciones de aquel parage que constan en este archivo.

Yá mayor abundamiento para los fines que puedan convenir, hé entregado igualmente a pedimento de parte y baxo su recibo, el expediente original que contiene otras concesiones, dexando en su lugar copia *copia* certificada de él y del presente plano y documento, cuios ori-

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ginales se me devolveran, concluidas que sean las diligencias á que se contra el presente.

Dado en Panzacola á trienta de Mayo, de mil ochocientos y diez.

Signed, VICENTE SEBAS'N PINTADO.

Exhibit B.

To the commissioner of the land office, East Pearl river.

SIR: You will please take notice, that I claim in the name, and for the heirs of the succession Boisdoré, viz: Margueritte Boisdoré, Valerie Boisdoré, Louis Boisdoré, Manitte Boisdoré, Felicite Boisdoré, and Boisette Boisdoré, tract land, situated at Choucoupoulou, between Phillip Saucier's plantation and the bayou called Village Maringorin, inhabited formerly by Mr. Sucir, and the depth to Pearl river.

Mobile, 1st March, 1814.

PEDESCLAUX.

Mr. JAMES LORREINS, *Chufonte.*

Translation from the French.

PENSACOLA, *the 23d May*, 1810.

SIR: Madame Guillimard has been good enough to communicate Mr. Boisdoré's letter of his brother concerning the arrangements which he and the other heirs of the late Mr. and Mrs. Boisdoré have made with you for the survey of the land granted to them at Chocoupoulou; and, according to their proposals, I authorize you in due form to perform this operation conformably to the following:

The demand of M. S. Boisderé, senior, is conceived in a manner a little confused in regard to the place; for he says in his memorandum of the 1st April, 1783, that the land which he claims is on a place called Choucoupoulou, commencing from Phillip Saucier's plantation, as far as the bayou called the Musquito village, formerly inhabited by Madam Susser, extending back to Pearl river. This description causes sufficient embarrassment in determining the form, or figure, which the land ought to have; however, as he calls the front—the distance from Saucier's plantation to the bayou of Muequito village, the depth as far as Pearl river cannot be understood only by two lines drawn from the said two last points so as to strike the said Pearl river; that is to say, the eastermost of the three which take this name; and these lines ought naturally to run to the west, one from Saucier's plantation, and the other from Musquito village. The little sketch (crouquis) annexed will give you a clearer idea. Though there is no geometrical precision, it approaches, notwithstanding, to the figure of the place. You will send it back to me when you have finished the business. You will represent upon the plat you send me, and with all possible precision, the whole seaboard from Choucoupoulou, in the Bay of St. Louis, to the Pitch pass, (la passe au paid,) the bayou, islands, &c.; and mark very distinctly the natural and artificial boundaries of the land in this part. You will note

and mark down all the settlements and inhabitants in the circuit of this survey, leaving to each person the portion of land belonging to him, and of those who have had the right and privilege of settling upon them; and this number of arpens ought to be deducted from the full amount of the land. When you come to Pearl river, and you examine its course and *and* distance from one line to the other of those you will have drawn from M. Saucier and Musquito village, you will pay strict attention to situate the surveys which have been made there, and the lands therein granted, which I am going to instruct you of those which are within my knowledge, that you should not find yourself embarrassed in case your lines strike round those. There is one Ambrose Guines who has a grant of five hundred arpents, which I have given an order for to Mr. Collins, and am yet ignorant of the figure. Lower down there is Mr. Favire, who claims 1,200 English acres, which make 1,418 arpens of our measure, of which I am likewise ignorant of the form and figure; because he has not presented the plat of survey by the English, and he has yet caused no survey to be made to obtain the titles, though he has obtained a decree in his favor. In descending the river there will be found the concession made in form to John Baptist Roussine, of 1,600 arpens superficial, 40 in front, and 40 in depth, upon such line, and running to the No. 81° 30′ E of the compass. Then immediately comes, joining Mr. Roussine, another grant of Mrs. Margaret, Widow Minengue, of 1,600 arpens, and like that of Mr. Roussine. As for the inhabitants of the bay of St. Louis, and its neighborhood, I have neither their names or the number of arpens of land they possess; for this reason, I charge you to make the most scrupulous inquiry to avoid difficulties. It is necessary that the certificate of survey, which you will draw up in the customary form, should be signed by some of the inhabitants and syndick; that is to say, by inhabitants who will *who will* be present at the survey of the side which will be bordering upon them. Mr. Louis Boisderé, brother of Mrs. Guillemard, observes to her sister, in her letter of 17th April last that she has had the complaisance to send me, that you give them all the time and facility to pay you what is due to you, and that which is coming to me; by right they will pay me immediately their quota; consequently, I beg you to get it, and to send it, [or] a part of it, that I may execute here the necessary documents to obtain them the concession in form.

Accept, I pray you, the assurances of my most sincere consideration, and am, sir, your very humble servant.

VINCENT SEBASTIAN PINTADO.

P. S. Make, I beg of you, the plat upon a middle scale, not to exceed the size of a page of paper; to prevent the trouble of reducing it to record it. If, on the places, you have not the necessary conveniences to draw the plat and certificate of survey, to have it signed by the citizens, (voisins,) always draw up a document which they will sign, to certify their assistance, and which you can annex to other pieces, which you will send me.

LAND OFFICE, *Augusta, Mi.:*

I, John S. Howze, register of the land office aforesaid, do hereby certify, that the foregoing writing is a true copy from the book of evidence of private land claims, as the same is seen of record in my office.

Given under my hand this 2d day of February, 1845.

(Signed) J. S. HOWZE, *Register.*

Register of claims to land in the district east of Pearl river, in Louisiana, founded on private conveyances which have passed through the office of the commandant, but founded, as the complainant supposes, on grants lost by time or accident.

Number.	By whom claimed.	Original claimant.	Quantity claimed.				Where situated.	Cultivated and inhab.	
			Front.	Deep.	Area in arpens.	Area in acres.		From.	To.
40	Heirs of Boisdoré.	Lucar.	Un	kno	wn.		Choupoulou.	Not inh.	Not cult.

(Signed,) WILLIAM CRAWFORD,
Commissioner.

Remarks.

Though the original grants, upon which the preceding claims are founded, have *be* lost, yet it is conceived that the claims to such lands, not exceeding a reasonable quantity, as were inhabited and cultivated under the Spanish government, ought to be confirmed.

WILLIAM CRAWFORD
Commissioner.

LAND OFFICE, *Augusta, Miss.*

I, John S Howze, register of the land office aforesaid, do hereby certify, that the above writing is a true extract from the book of reports on private land claims, as the same is seen of record in my office.

Given under my hand, this 5th day of February, 1845.

(Signed,) J. S. HOWZE, *Register.*

The register and receiver of the land office at Jackson court house:

Please to take notice, that I claim, for the heirs of Louis Boisdoré, deceased, Valery Nicholas, Cadet Degan Gudman, and ————, a tract of land situated in the vicinity of the bay of St. Louis, running from the former plantation of Philip Saucier, now belonging to Joseph Nicaire, to Pearl river, containing the quantity, bounds, bounded by limits natural and artificial, which will appear by the annexed plan; which tract of land was granted, by his excellency Stephen Miro, on the 26th April, 1783, and confirmed by Dn. Juan Ventura Morales, intendant general, &c., on the 6th of April, 1808, and was cultivated

according to the Spanish usages and customs; all which will appear by the annexed documents and testimony herewith submitted.

Jackson court house, 15th June, 1820.

"NOEL JOURDAN,"

Agent for the legal heirs and representatives of Louis Boisdoré, deceased.

Personally appeared, before [me,] the above named Noel Jourdan, who made oath that the tract of land above claimed by the legal heirs and representatives of Louis Boisdoré was actually settled upon and improved by the said Boisdoré, the original claimant, in the year 1798, and that the said improvement and settlement was kept up, by said Boisdoré and his legal representatives, until the year 1810; since which period the same has not been kept up to the deponent's knowledge.

"NOEL JOURDAN,"

Sworn to and subscribed, this 15th June, 1820.

W. BARTON, *Register.*

SOR. GOVERNOR GENERAL:

I, Don Louis Boisdoré, an inhabitant of this city, with due respect, present myself, and state, that being desirous to form a plantation or cowpen in the vicinity of the bay of St. Louis, at the place commonly called Achoucoupoula, for the whole of my family, which is very large, as is notorious to your excellency; and, moreover, that I may be enabled to employ all my negroes thereon, and to support a large stock of cattle, which I have already, which land is, as it were, only inhabitable as, and fit for, a cowpen, pray that you may be pleased, on consideration of what is above exposed and stated, and of the benefit which will result to the capital from a large cowpen such as that which I have commenced to establish at and near said place, to grant me the parcel of land which may be vacant at the abovementioned place, known by the name of "Achoucoupoula," to commence at the plantation of Philip Saucier, and to run therefrom to the "bayou of Musquito village," formerly inhabited [by] Mr. Laisser, and extending in depth to Pearl river, that I may be enabled to form with facility the abovementioned plantation and cowpen for the whole of my family, as is above related; a favor that I expect to receive from the distributive justice which your Excellency administers.

New Orleans, the first of April, 1783.

"L. BOISDORE."

NEW ORLEANS, *the 26th April*, 1783.

It appearing to me that the grounds and reasons stated by the petitioner are well founded, in relation to the utility and advantages which will result to the capital from the establishment of a cowpen in those places which are badly adapted to cultivation, the surveyor of the province, Don Carlos Laveau Trudeau, shall establish Louis Boisdoré on the tract of land which he solicits in the antecedent memorial, situated at the place commonly called "Achoucoupoulou," the front

thereof to commence from the plantation of Philip Saucier, an inhabitant of said place, and running to the bayou of Muschetoe village, and extending in depth to Pearl river, should the same be vacant, and cause injury to no one of the surrounding settlers, either in the front or in the depth thereof; whose proceedings shall be made out and signed by him, with the before mentioned persons, and sent to me to furnish the party interested with a title in form.

"MIRO.

SR. INTENDANT GENERAL:

Don Gilbert Guillemard, a lieut. col. in the army, and sergeant major of the town of New Orleans, with the attention that is due to you, represents, that, by the decree of his excellency, Stephen Miro, formerly governor general of the retroceded province of Louisiana, bearing date the 26th April, 1783, which accompany these proceedings, marked No. 1. Don Louis Boisdore obtained the grant of a tract of land to establish a cowpen, situated at a place called "Achocoupoula," extending from the plantation of Philip Saucier to the bayou of Muschito village," and in depth to Pearl river; and although, at that period, on account of the multifarious occupations which engrossed the attention, Charles Laveau Tradeau, the surveyor in relation to the admeasurement and survey of lands of value, and on account of the great expense to be incurred previously, he did not proceed to the admeasurement and marking out the boundaries of said tract of land, but notwithstanding, transported and conveyed thither a large stock of cattle, and placed thereon a stock-keeper, named Augustus Mallet, who remains on to the present day, to preserve the right of property in himself, which the said Boisdoré in his lifetime possessed, as appears by these proceedings. His widow, Margaret Daussoin, confiding in the before mentioned decree, but disabused by some person, which will appear from the title in form, has conferred on the exponent the power which, in testimony thereof, he presents, marked No. 2, in which she gives him the faculty to represent her actions in this tribunal.

He therefore solicits the survey and admeasurement, and that the boundaries may be marked out of the *of the* land granted as above, by the present surveyor, Vincente Sebastian Pintado, and which is claimed by the above mentioned title, and which will secure the property in the person in whom the right rests, by possession for about twenty-five years, and who established the cowpen; wherefore he prays that you will be pleased (he having presented the above mentioned documents,) to order that the above mentioned surveyor proceed to mark out the boundaries to the survey, and to the formation of the map under the established formalities, and the same being found to be conformable with impediment, that a corresponding title in favor of the said widow, as the lawful wife of the above mentioned Boisdore, may be issued. In which you will receive the thanks, &c.

Pensacola, 4th April, 1808.

"GILBERTO GUILLEMARD."

PENSACOLA, *4th of April*, 1808.

Let the documents annexed, received and presented, be submitted to the fiscal minister of the royal treasury.

"MORALES," "DN. HERIDIA,"
"JUAN MORALES," "VINCENT IGNACIO RAMOS."

On the same day, month, and year, we the assisting witnesses, notified Gilbert Guillemard of the anterior decree. "MORALES,"
"RAMOS."

We also communicated it to the fiscal minister pro tem. of the royal treasury. "MORALES,"
"RAMOS."

The fiscal minister pro tem. of the royal treasury, on examination of the demand made by Dn. Gilbert Guillemard, formerly lieut. col. and sergt. majr. of the town of New Orleans, in the name of Marguerete Doussoin, widow of Lewis Boisdore, requesting to be furnished with a title in form for a tract of land situated in the vicinity of the bay of St. Louis, at a place called Achoucoupoula, the front of which commences from the plantation of Philip Saucier, and thence running to the bayou of Muschito village, extending in depth to Pearl river, 1783, his excellency, former governor of Louisiana and West Florida, Stephen Miro, granted to said Louis, saith that it appearing from the exposition of the surrounding settlers, that the grantee has remained in quiet and peaceable possession of the said land until the present period, and that she, from whom his (Guillemard's) power is derived, is his legal representative, is consequently of opinion that the same, not causing any injury, you may ratify, the before mentioned decree, the map and certificate of survey being previously made out, which have to be drawn by the surveyor general of this province, or his deputy, and that you may order that the commandant and sub-delegate of Mobile, or syndic of this place, should authorize the said proceedings, which being despatched, shall be returned to this tribunal; that the title in form, which is asked for, may be furnished on the terms prescribed by the regulations formed by the intendency general on the 17th July, 1799, according to the result of the decisions of the junta of the royal treasury, the 22d November, 1806. The tribunal will, nevertheless, determine on the manner most conformable to justice. "JUAN LOZADA."

Pensacola, 7th April, 1808.

PENSACOLA, 6*th April*, 1808.

Orders and decree.

Let this despatch or proceeding (expediente) be sent to the surveyor general of the province, in order that he or his deputy, in compliance with the decree of his excellency the Governor of Louisiana, of the 6th of April, 1783, may refer the result of his proceedings with the plan, that a corresponding title may be furnished.

"MORALES," "DN. HEREDIA,"
"JUAN," "MORALES,"
"VINCENTE IGNACIO RAMOS."

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On the same day we communicated it to the fiscal minister pro tem. of the royal treasury.

"DN. JUAN LAZADA," "RAMOS."
"MORALES."

We also notified Dn. Gilbert Guillemard.

"MORALES," "RAMOS."

On the same day we notified, of the anterior decree, the surveyor general, Don Vincente Pintado, delivering him this despatch.

"MORALES," "RAMOS."

Don Vincente Sebastian Pintada, surveyor general of West Florida for his Majesty.

For as much as Don Estivan Miro, formerly governor general of Louisiana, and of this province, by his decree of the 26th April, 1783, granted to Don Louis Boisdore, an inhabitant of the above mentioned province, all that tract of land which is contained between the plantation of Philip Sauceir, on the bay of St. Louis, and the bayou of Muschito village and Pearl river, at the place called Achoucoupoula, as more clearly appears by the said grant; which, by a decree of the 7th of April, 1808, was confirmed by Dn. Juan Ventura Morales, intendant general pro tem of this province, with the advice of Sr. assessor of the Treasury, Joseph Francis Heridia, requesting that the despatch (expediente) should be sent to me, in order that I, or my deputy, might comply with the above mentioned decree of the 26th of April, 1783, made in pursuance of the representations made by the Lieut. Col. Guillmard, special attorney of Margaret Doussin, widow of the before mentioned Louis Boisdore; and *the* having elapsed two years without being able, from the emergency of my business, to attend personally to make out the boundaries, and to make the survey required; and not having at the said place a deputy to execute the same; and that the heirs claiming the same may have an authentic document issued in their favor, from which may be made appear the right of property and ownership, which to the said lands they have and hold in virtue of the said grants; and also the execution, shape, and figure which the said tract of land ought to have, in order that they may have the usufructory use, and that they may be able to dispose of the same as their property, inherited from the before mentioned grantee: wherefore, for the purposes above mentioned, I have issued this document, and map which accompanies it, signed by me on this day, and formed according to ancient surveys; which map represents and shows the tract of land, with the shape, figure, and extent, and the boundaries, bounds, and confines, natural and artificial, which should serve for limits; and, in order more effectually to serve as a defence to the parties interested, they may likewise employ any of my deputies, who [are] authorized to this effect in due form, and for want of them, any other person of acknowledged integrity and knowledge in the geodetical art, in order that the request of the parties [for] a new survey and establishment of *of* boundaries may take

place; conforming, however, to the antecedent map, in relation to the principal points, and the direction which the limits and natural boundaries ought to have, but practising the admeasurement with the geometrical exactitude and precision which is required, and giving an account of their proceedings, that the accustomed record may be made in the office of the Surveyor General, that conformably to it the title may issue; for which purpose, he should mention the number of arpents contained between the indicated limits, computing 100 square perches to the arpent in area, and eighteen feet of Paris to the lineal perch, according to the agrarian and geodetical custom of this province; so that the northern boundary shall be bounded by lands belonging to the King, on the south by the bank of the sea, on the east by the same and a part of the bay of St. Louis, and on the west by the above mentioned Pearl river, as more clearly shows [from] the annexed map; without, nevertheless, causing injury to a third person, who may have a better right, or dispossessing of his possession that which in good faith any individual hath acquired previous to this date, unless the same should be in pursuance of superior determination; observing, moreover, that, to the inhabitants of the bay of St. Louis, there shall be left the ordinary depth, and particularly to the land of Philip Saucier, the point of which begins the line to which the west, corrected, runs, and should to the before mentioned river Pearl; on which river, and on the east bank thereof, and between the limits specified, are situated the grants in form made to John B. Boussine, Madum Margaret, the widow of Anthony Meminger, bounded the one by the other, and of sixteen hundred arpens each, at the place marked in the preceding map, each one of which have four hundred lineal perches in front on the river, and four hundred in depth, with parallel limits N. 81° 30′ E. by the compass; they are registered in the books of this office, under my charge; which grants must be respected, without their being in anywise altered. And the same thing is to be observed in relation to the three grants made by the British Government to John Claudius Favre, now belonging to his son Simon Favre, which is of 1,200 English acres, equal, with but a small difference, to 1,418 arpents of our measurement, which is also between the above mentioned limits assigned to the heirs of Louis Boisdoré; then the 1,500 arpents granted to Ambrose Gaines appear to remain besides; then there is another claim of Simon Favre, in the name of his brother-in-law, Eugene Chastang, of 800 arpens, on the east side of said river Pearl, six leagues from its mouth, which he solicited on the 3d of October, 1804, and ordered to be measured and estimated on the 19th of same month; these being the only pieces of property and claims at that place which appear in this office. And for better information, and that the desired ends may be answered, I have delivered, at the request of

[For plat see original.]

the party, and under his receipt, the original proceeding or despatch, (expediente,) which contains the said concessions or grants, leaving in

patch,
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their place certified copies thereof, and of the present map and documents. Which originals shall be returned to me as soon as the proceedings are concluded to which these presents relate.

Given at Pensacola, the 30th May, 1810.

LAND OFFICE, AUGUSTA, MISS., *February 5th*, 1845.

I, John S. Howze, register of the land office aforesaid, do hereby certify, that the foregoing is a true copy from the book of evidence of private land claims, as the same is seen of record in my office.

Given under my hand the day above written.

(Signed) J. S. HOWZE, *Register*.

Register of claims to land in the district east of Pearl river, in Louisiana, founded on complete grants and orders of survey derived from the Spanish authorities, which, from their circumstances, require a special report.

Number.	By whom claimed.	Original claimant.	Nature of claim, and from what authority derived.	Date of claim.			Quantity claimed.			
				Day.	Month.	Year.	Front.	Deep.	Area in arpens.	Area in acres.
2	Rep's of Louis Boisdoré.	Louis Boisdoré	Spa. ord. survey	26	April	1783	u	n	know	n.

Where situated.	By whom issued.	Survey.		Cultivation and inhabitation.	
		When.	By whom.	From	To
From bay St. Louis to Pearl river.	Stephen Miro -	No survey.		1798	1810.

No. 2. This claim is founded on an order of survey issued by Governor Miro in favor of Louis Boisdoré, confirmed to his widow, Marguerite Doussin, by the intendant, Morales, 4th April, 1808. Although a map or conjectural plan of the limits of the above claim, made by the surveyor general, Pintado, the 30th May, 1840, accompanies the title papers, yet it does not appear to be the result of an actual survey, nor to have been made with geometrical precision, but merely intended for the direction of such persons as might be employed to make the survey. No survey appears to have been made. This claim extends from the bay of St. Louis to the mouth of Pearl river, and is supposed to contain several hundred thousand acres.

Land office, Jackson court house, July 11th 1820.

(Signed) WM. BARTON, *Register*.
WM. BARNETT, *Receiver*.

Attest: JOHN ELLIOT, *Clerk*.

LAND OFFICE, AUGUSTA, MISSI.,
February 5th, 1845.

I, John S. Howze, register of the land office aforesaid, do hereby certify, that the above writing is a true extract from the book of reports, as the same is seen of record in my office.

Given under my hand the date above written.

(Signed) J. S. HOWZE, *Register.*

Translation from the Spanish.

No. 1. To his lordship the Governor General:

I, Don Louis Boisdore, an inhabitant of this town, with due respect, do present myself before you and say that, wishing to make a settlement to raise cattle about the bay of St. Louis, in that part of the country commonly called Achoukoupoulas, for all my family, which is very large, as you know it yourself; and besides, to enable me to keep on it all my hands at work, and take care of the very large number of cattle that I already have on that place, which is but just fit for that purpose, considering the above reasons and benefit that will result for the capital by the establishment that I have already commenced at the aforesaid place and near the capital, be so kind as to grant me that tract of vacant land in the mentioned district, known by the name of Ackoucoupoulas, taking from the plantation of Filipe Sauceirs up to the bayou called bayou of Muschito village, anteriorly inhabited by M. Luis, and in depth up to Pearl river, so that I may easily form the intended establishment and tend cattle for all my family, as above mentioned; a favor which I hope to receive from the justice your lordship dispenseth. New Orleans, 1st April, 1793.

(Signed) L. BOISDORE.

NEW ORLEANS, *26th April*, 1793.

Being satisfied with the good reasons that the petitioner exposeth, and conceding the utility and profit which from it will result for the capital by the establishment of a cow herd in that place, hardly fit for cultivation, the surveyor of this province, Dn. Carlos Laveau Trudeau, shall establish Dn. Luis Boisdore on that tract of land which he is soliciting for in the preceding petition, situate in that part of country commonly called Achoucoupoula, including all from Philip Saucer's plantation, an inhabitant of said place, up to the bayou called bayou of Muschito village, and in depth up to Pearl river, being vacant lands, and provided it don't prove to be an injury to any of the adjoining neighbors, whether in form or in depth; to that end he shall cause such instrument of writing to be adduced to the above petitioner, that he shall sign himself, with the said adjoining neighbors, and shall remit me the same, to grant the title in due form to whom it concerns.

(Signed) MIRO.

No. 2. *Power of Attorney.*

Know all men, that I, Da. *Murrey* Doussin, the widow of Dn. Louis Boisdoré, residing in this place, do give all power, and as much as it

may prove necessary, to Dn. Gilberto Guillemard, a lieutenant colonel of the royal army, residing in the town of Pensacola, that I constitute my attorney, for me and in my name, and in my place and stead put, to present himself before the tribunal it concerns, to solicit the surveying and bounding of a tract of land granted to me by Dn. Estivan Miro, the governor of the province of Louisiana, on the 26 April, 1783, situate in the environs of the bay of St. Louis, in that part of the country called Achoucoupoulous, agreeably to the petition I presented in the said year; and that, to the same effect, I'll send him, and in order to have the said surveying done, I desire him to solicit of the same tribunal the title in due form for the said concession of land, so that, if necessary, he may present himself before the competent magistrates with such instruments of writing, witnessed proofs, and any other documents that he may deem good, getting them wherever he may be; that he may see, introduce, swear to, and examine any documents produced by any opponents; that he may make objections and find fault with them, approve of sentences and persons, protest, request, and accuse, demand executions, seizure, release, sale and adjudication of the property of which he takes possession and care; consent to anything favorable, and appeal to that contrary; appeal whenever and before whomsoever it will be competent; and in case of any doubt or difficulty that may happen, he is to leave it to arbitration; an arbitrator to investigate it and determine upon it; and finally he may sue, act, and do all judicial and extra judicial proceedings that may offer, without omitting any of them necessary; so that it be not for want of power clause, or empowering appurtenances omitted in these presents, he don't act whenever any thing offer about what regards the present power; I give him without limitation, with free administration, incidences, and dependencies, privilege of preparing things for trial, nominating, substituting, revocating substitutes, and closing others with dismission in form; and to guarantee whatever he may do for me, I bind myself security, with my estate as it is now and as it may be hereafter, by all forms of right. In witness whereof, the present writing is made in this town of New Orleans, the 26th of February, 1808, and the 32d of the independence of America.

I, a notary public, do certify, that I know her who gives this power, and she signed the same before the following witnesses: Dn. Claudio Bolusgy and Dn. Andrus Chastant, both residing in this place and present.

MARGURITE DUSSIN, *Va. Boisdore.*
STEPHEN DE QUINONES, *Notary Public.*

I do certify that the preceding copy is conformably with its original, which remains in the archives of my office, and to which I did refer, and, to the request of a party, I give this present copy in this town of New Orleans, the 27th of February, 1808, and the 32d of the independence of America, that I signed and stamped with the seal of my office.

(Signed) STEPHEN DE QUINONES,
[L. S.] *Notary Public.*

TO THE INTENDENT GENERAL:

I, Don Gilberto Guillemard, a lieutenant colonel of the army, and commander of the town of New Orleans, with due respect, let you know, that by virtue of a decree issued by Dn. Estivan Miro, governor general of the said province of Louisiana, dated 26th April, 1783, and which is adduced to the document No. 1, to Dn. Louis Boisdore, an inhabitant of the said town, was granted the concession of a tract of land to keep and tend cattle on, and situated in that part of the country called Achoucoupoulous, extending in front from Filipe Sauciers to the bayou of Muschito village, and in depth to Pearl river; and, although at that time, on account of much business that had on hand, the surveyor, Dn. Carlos Laveau Trudeau, in surveying and dividing the lands in the valley of the said province, and on account of considerable expenses it might have caused, he did not proceed to the surveying and measurement of the said tract of land; nevertheless the grantee did'nt hesitate to transport on that said tract of land a great many cattle, and place a cow-herd by the name of Augustin Mallet, what still exists now, and makes good his right of property. The Da. Margta. Doussin lived relying upon the goodness of said decree, but warned by some one that the title was not done in due form, she constituted and nominated the present petitioner her attorney, agreeably to the document No. 2, by which she authorizes him to expose her rights before this tribunal, to solicit that the surveying and bounding of the said granted land may be effected by the present surveyor, Dn. Vincente Sebastian Pintado, and that he obtain the claimed title, to secure unto her a property to which she has good right to pretend, by virtue of inhabitation since twenty-five years or about that she has cattle kept on the said tract of land, having established it for that purpose. I do solicit, that, considering the two mentioned documents, you order to the said surveyor the surveying, bounding, and drawing of the figurative plan of the establishment, which being found conform, there being no impediment in the despatching of the title in due form in favor of the said widow, as the lawful wife of the mentioned Dn. Louis Boisdore, by which justice will be done unto her. Penzacola, the 4th April, 1808.

(Signed,) GILBERTO GUILLEMARD.

Pensacola, 4th April, 1808.

The annexed documents are to be presented to the minister of the revenues of royal properties.

(Signed,)

DN. HEREDIA, MORALES,
VINCENT IGNACIO RAMOS, JUAN MORALES.

On the same day, month, and year, we, the present witnesses, gave notice of the anterior decree to Dn. Gilberto Guillemard.

RAMOS, MORALES.

And we likewise communicated it to the minister of revenue of royal properties.

(Signed,) MORALES, RAMOS.

The minister of the revenue of royal properties, considering the petition presented by Dn. Gilberto Guillemard, a lieutenant colonel and major commander of the town of New Orleans, in the name of Da. Margurita Doussin, the widow of Dn. L. Boisdore, to obtain the title in due form of a certain tract of land, situate about the shore of bay of St. Louis, about that place called Achoucoupoulous, extending in front from Philip Saucier's to the bayou of Muschito village, and in depth to Pearl river, which said tract of land was granted to the aforesaid Dn. L. Boisdore, by virtue of a decree dated 26th April, 1782, issued by the governor general commanding the province of Louisiana, Dn. Estivan Miro, and says, that approving the exposition of petitioner, with the deposition of the adjoining neighbors, considering that the grantee having remained in peaceable possession of the said tract of land up to this day, and the legitimacy of the petitioner being approved, it appears to the fiscal, that being of no injury to any body, you may ratify the said decree, preceding the figurative plan and certificate of the surveying which is to be effected by the surveyor general of this province, or his deputy.

Therefore, you'll be pleased to order that the sub-delegate of Mobile, or the syndick of that part of country, authorize the surveying to be effected and afterward returned to this tribunal to have decreed the title in due form, agreeably to the prescript terms in the rule established for the administration general on the 17th day of July, 1779, being conform with the rule of the assembly of royal properties of 22d November, 1806. However, the tribunal will decide on what is more conformable with the justice the fiscal demands. Pensacola, the 6th April, 1808.

(Signed,)

JUAN LASADA.

Pensacola, 7th April, 1808.

The documents being examined, you'll communicate this expedient to the surveyor of this province, in order that himself or his deputy act in compliance with the decree of the governor of Louisiana, dated 26th April, 1783, returning the result and plan as requisite. Costs, twelve reals.

(Signed,)

MORALES, DN. HEREDIA.
VINCENT IGNACIO RAMOS, JUAN MORALES.

On the same day we communicated it to the minister fiscal (per interim) of royal properties, Dn. Juan Lasada.

(Signed,)

MORALES, RAMOS.

And we likewise gave notice of the same to Dn. Gilberto Guillemard.

(Signed,)

MORALES, RAMOS.

On the same day we notified the anterior decree to the surveyor general, Dn. Vincent Pintado, delivering him the document.

(Signed,)

MORALES, RAMOS.

Dn. Vicente Sebastian Pintado, surveyor general of Florida for his Majesty:

Whereas Dn. Estivan Miró, governor of Louisiana and this province, by his decree, dated 16th April, 1783, granted to Dn. Louis Boisdore, residing in the said first province, all that tract of land lying between Philip Saucier on the bay of St. Louis, the bayou of Muschito village, and Pearl river, in that district, called Achoucoupoulous, more fully explained in the concession, which, by an act dated 7th April, 1808, was confirmed by Dn. Juan Ventura Morales, intendant general (per interim) of this province, with direction of the assessor of the administration, Dn. Joseph Francisco Heredia, who ordered the document to be sent to me, so that I or my deputy act in compliance with the said decree dated 26th April, 1783, in consequence of the petition presented by the Lieutenant Col. Dn. Gilberto Guillemard, the special attorney of Da. Marga. Doussin, the widow of the said Dn. Louis Boisdore; and as two subsequent years have elapsed without its having been in my power to proceed personally to the surveying required, nor to get in the said district a deputy to do it, considering the petition by the heirs to obtain an authentic document proving their rights of property, domain, and seigniority, that they have on the said land by virtue of the said concession, and showing the extent, form, and shape of the said tract of land, so that they may enjoy and dispose of it as an hereditary property of the said grantee, therefore, I have to that effect sent this document and figurative plan annexed to these presents, signed by me, and drawn after an old plan, on which are *deleliated* the form, shape, and extent of said tract of land, together with the posts, spots, natural and artificial limits, which are to bound it; so that, besides its being a guarantee for whom it concerns, they may also employ any of my deputies that by these presents I do authorize in due form, and in case that none of them could be found, I do in the same manner authorize any other person of known integrity, and understanding surveying, to effect anew, at the request of the parties, the bounding and surveying agreeably to the above mentioned plan, having regard to its principal points, direction of limits, and natural boundaries, but plotting with the requisite geometrical exactness and precision, and communicating to me the result of it, to be duly entered in this office of the surveyor general, so that conformably may be despatched the title. Therefore shall be mentioned the certain number of arpents lying between the given boundaries, reckoning a hundred square perches of superficies per arpent of area, and eighteen of Paris per lineal perch, ac-

cording to the usage and custom of surveying in this province; and so that it be bounded on the north by Royal lands, south by the coast or sea shore, east by the same and some of the bay of St. Louis, and west by the mentioned Pearl river, as more plainly represented on the annexed plan, but yet without being of any injury to a third person that might have a better right, nor depriving any body of a possession lawfully obtained previous to this date, unless it be by a superior judicial decision, observing to let to the inhabitants of the bay of St. Louis the common depth, and particularly to Filipe Sautier's property, whence the connected west line was run, and is to be run, to the said Pearl river, on which river and east side, and between the mentioned limits, are lying the lawful concessions of John Juan Baut. Roussine and Da. Marga., the widow of Dn. George Anto. Meminger, being of the same depth, and of one thousand and six hundred superficial arpens each, and situate as shown in the preceding plan, containing each four hundred lineal perches in front of the river, by four hundred in depth, with parallel limits running north 81° 30′ east of the compass, as recorded in the books of the archives kept in my office, which concessions must be respected without being altered at all; and the same is to be observed, also, as to the concession made by the Government of Great Britain to Juan Claudia Favre, now belonging to his son Dn. Simon Favre, which is of one thousand and two hundred English acres, nearly equal to fourteen hundred and eighteen arpents of our measure; which said tract of land is lying also within the limits marked out for

[For map see original.]

the heirs of Don Louis Boisdoré, deceased, since the five hundred arpents granted to Ambrose Gaines appear to be lying out of the said limits; there is also another tract of land claimed by Dn. Simon Favre in the name of his brother-in-law, Eugenio Chastang, which claim contains eight hundred and four arpents on the east side of the said Pearl river, distant six leagues from its mouth, which he petitioned for on the third of October, 1804, and on the nineteenth of the same month it was ordered to measure and estimate the same. The above properties being the only claims in that district to be found in these archives, and as a superior approbation, and to the end it may be of use, I have likewise delivered to the petitioner, and under his receipt, the expedient original which contains the said concessions, leaving in its place the certified copy of the same, together with the present plan and document, which said original pieces shall be returned to me in order to terminate the proceedings to which these presents shall be adduced.

Given at Pensacola, the thirtieth day of May, 1810.

(Signed) VICENTE SEBAST'N PINTADO.

I do certify the preceding copies, conformable with the pieces presented to me, as the original ones by Mr. Valery Nicholas.

In witness whereof, I delivered the present certificate that I signed and sealed at my office, in New Orleans, State of Louisiana, United

States of America, the second day of September, 1828, and the 53d year of independence.

(Signed) FELIX DE ARMAS, *Not. Pub.* [L. S.]

In the town of New Orleans, State of Louisiana, this 2d day of September, 1828, and the 53d year of the independence of the United States of America, before Felix de Armas, a notary public, duly qualified and commissioned, in and for the town and parish of New Orleans, residing in the same place, and before the witnesses hereafter named and undersigned, personally appeared Mr. Valery Nicholas, residing in this town, who declared that, being interested in having proved the veracity of the signatures on the original pieces heretofore transcribed, caused to appear the following gentlemen, to wit, John Joseph Blache, a merchant, Charles Louis Blache, the treasurer of the town, Bernard Marigny, a freeholder, Vicinte Ignacio Ramos, a clerk, Felix Tala, a clerk, Charles de Grand Pre, a freeholder, and to say what they know with respect to the aforesaid mentioned signatures.

Therefore, also appeared the said gentlemen: John Joseph Blache, 58 years of age; Charles Louis Blache, 56 years of age; Bernard Marigny, 44 years of age; Vicente Ignacio Ramos, 42 years of age; Felix Tala, 40 years of age; Charles de Grand Pre, 39 years of age; all born in the State of Louisiana, and residing in this town of New Orleans, and well known by us to be credible men, unto whom, after having been duly sworn, the undersigned, notary, showed the original pieces heretofore transcribed, and proceeded to evidence the veracity of the signatures on the same; whereupon, after mature examination, Mr. John Joseph Blacke declared that he knew all the said signatures, (except that of Dn. Heredia,) and that, conscientiously, he believed them genuine; Mr. Charles Louis Blache, that he knew all the said signatures, except those of Dn. Heredia and Juan Lausada, and that, conscientiously, he believes them genuine; Mr. Barnard Marigny declared that he well knew all the said signatures, not one excepted, and that, conscientiously, he believes them genuine; Mr. Vicente Ignacio Ramos declared that he well knew all the said signatures, not one excepted, and, besides, he knew one of them to be his own signature; Mr. Felix Tala declared that he knew all the said signatures, not one excepted, and that, conscientiously, he believes them genuine; and Mr. Charles de Grand Pre declared that he knew the signatures of Messrs. Guillemard, Juan Ventura Morales, Juan Morales, Ju. Losada and Pintado, and that, conscientiously, he believes them genuine. The said witnesses say, moreover, that their declaration is founded on their opportunity of seeing the above mentioned gentlemen, whether writing their names, or that of seeing their signatures on pieces to which courts gave justice.

Whereupon the present document is written and granted for the benefit and use of whom it concerns. Done and made at New Orleans, in the aforesaid office, and on the aforesaid day, and month, and year, before Messrs. Christoval Morel, and Felix Percy, both requested witnesses, and residing in this place, who signed with all the other wit-

nesses, and notary, after the reading of the present instrument of writing.

JN. JH. BLACHE, BERNARD MARIGNY,
VICENT RAMOS, FELIX TALA,
CHARLES V. BLACHE, CH. DE GRAND PRE,
VALERY NICHOLAS, CHRISTOVAL MOREL,
FELIX PERCY, and

[L. S.] FELIX DE ARMAS, *Not. Pub.*

A copy.

UNITED STATES OF AMERICA, *State of Louisiana:*

By Henry Johnson, governor of the State of Louisiana.

These are to certify, that Felix de Armas, whose name and seal are subscribed to the instrument of writing herein annexed, was at the time of signing the same, and still is, a notary public for the parish and city of New Orleans, duly qualified and commissioned.

Given at New Orleans, under my hand and seal of the State, this fifth day of September, one thousand eight hundred and
[L. S.] twenty-eight, and of the independence of the United States the fifty third.

(Signed) HENRY JOHNSON.
Attest: VALENTINE DELMAS, *Clk.*

STATE OF LOUISIANA, *city of New Orleans:*

Before me, Gallien Preval, associate judge of the city court of New Orleans, at the request of Valery Nicholas, esq , representing the heirs of the late Louis Boisdoré, personally appeared Alexis Rochon, of this city, seventy years of age, who, being duly sworn according to law, doth depose and say, that the map here shown to him, made by Vincent Sebastian Pintado, dated the 30th May, 1810, represents the lands *the lands* belonging to the said Boisdoré, and which extend from the limits of the property of Philip Saucier, on the shore of bay St. Louis, as far as Perle river, including all those fronting to the sea, which had not been granted by the Spanish government; that he, this deponent, has been constantly on the said lands for upwards [of] thirty years; that he has been acquainted with the said Louis Boisdoré since the year 1784, up to the year 1798; that part of the said land had been improved and cultivated, and that all the rest was used for the breed of cattle; that Mr. Louis Boisdoré has often spoken with this deponent on the *of the* extent of his aforesaid property; and that, after his death, his heirs have continued to keep cattle on the said land, and that they were under the care of a certain negro, named Mathiew, belonging to the widow of said Louis Boisdoré.

his
(Signed) ALEXIS X ROCHON.
mark.

Sworn to and subscribed, before me, New Orleans, August 29, 1828.
(Signed) GALLIEN PREVAL, *Judge.*

UNITED STATES OF AMERICA, *State of Louisiana:*

By Henry Johnson, governor of the State of Louisiana:

These are to certify, that Gallien Preval, whose name is subscribed to the instrument of writing hereto annexed, was at the time of signing the same, and still is, one of the associate judges of the city court of New Orleans, duly qualified and commissioned.

Given under my hand and seal of the State, this third day of September, one thousand eight hundred and twenty-eight, and of
[L. S.] the independence of the United States the fifty-third.

(Signed) H. JOHNSON.

STATE OF LOUISIANA, *city of New Orleans:*

Before me, Gallien Preval, associate judge of the city court of New Orleans, at the request of Valery Nicholas, esq., representing the heirs of the late Louis Boisdoré, personally appeared Jean Baptiste Bodreau, of Pensacola, State of Mississippi, who, being duly sworn according to law, deposes and says, that the map here shown to him, made by Vincent Sebastian Pintado, dated 30th May, 1810, represents the lands belonging to the late Louis Boisdoré, which extend from the limits of the property of Philip Saucier, to the shores of the bay of St. Louis, as far as Perl river, including all those fronting on the sea, which had not been granted by the Spanish government; that it is to his perfect knowledge that, since forty years, the said Louis Boisdoré, his widow, or his other heirs, have been constantly in possession of the aforesaid lands, and that part of the same had been improved and cultivated on the shores of the bayou Maringorine, and the remaining part used for the breed of cattle.

his
(Signed) JEAN BAPTE. X BODREAU.
mark.

Sworn to before me, New Orleans, Sept. 20, 1828.

(Signed) GALLIEN PREVAL, *Judge.*

STATE OF LOUISIANA, *city of New Orleans:*

Before me, Gallien Preval, associate judge of the city court of New Orleans, at the request of Valery Nicholas, esq., representing the heirs of the late Louis Boisdoré, personally appeared Jean Baptiste Durieux, of this city, eighty-one years of age, who, being duly sworn according to law, doth depose and say, that he knows the lands belonging to the said Louis Boisdoré, which extend from the limits of the property of Philip Saucier, on the shores of bay St. Louis, as far as Perl river, including all those fronting on the sea, which had not been granted by the Spanish government; that Vincent Sebastian Pintado has made a map of the said lands, which this deponent saw some years ago, and which he cannot recognise now, because he is deprived of his sight; that he has been constantly on the said land for the space of thirty years; that part of them was cultivated, and all the rest was used for the breed of cattle; that, after the death of the said Louis Boisdoré, his

heirs have continued to keep cattle on the said land, and that they were under the care of a certain negro, named Matthew, belonging to the widow of the said Louis Boisdoré.

(Signed) JEAN BTE. his X mark. DURIEUX.

Sworn to and subscribed before me, New Orleans, Sept. 2d, 1828.
(Signed) GALLIEN PREVAL, *Judge*.

UNITED STATES OF AMERICA, *State of Louisiana:*

By Henry Johnson, governor of the State of Louisiana.

These are to certify, that Gallien Preval, whose name is subscribed to the instrument of writing herein annexed, was at the time of signing the same, and still is, one of the associate judges of the city court of New Orleans, duly qualified and commissioned.

Given at New Orleans, under my hand and seal of the State, this third day of September, one thousand eight hundred and [L. S.] twenty-eight, and of the independence of the United States the fifty-third.

(Signed) H. JOHNSON.

STATE OF LOUISIANA, *city of New Orleans:*

Before me, Gallien Preval, associate judge of the city court of New Orleans, at the request of Valery Nicholas, esq., representing the heirs of the late Louis Boisdoré, personally appeared Guillaum Benite, of this city, seventy-two years of age, who, being duly sworn according to law, doth depose and say, that the map shown to him, made by Vincent Sebastian Pintado, dated 30th May, 1810, represents the lands belonging to the said Louis Boisdoré, which extend from the limits of the property of Philipe Saucier, on the shores of the bay of St. Louis, as far as Pearle river, including all those fronting on the sea which had not been granted by the Spanish government; that he, this deponent, has been constantly on the said lands during thirty years; that he has been acquainted with Mr. Louis Boisdore since the year 1824, up to the year 1798. That a portion of said land has been improved and cultivated on the shores of the bayou Maringorim; and that the remaining part of the same was used for the breed of cattle. That Mr. Louis Boisdore has very often spoken with this deponent about the extent of his aforesaid property; and that after his death his heirs have continued to keep cattle on the said land, and that they were under the care of a certain negro, named Mathiew, belonging to the widow of the said Louis Boisdoré.

(Signed) GU. BENITO.

Sworn to and subscribed before me, New Orleans, August 29th, 1823.
(Signed) GALLIEN PREVAL.

UNITED STATES OF AMERICA, *State of Louisiana:*

By Henry Johnson, governor of the State of Louisiana.

These are to certify, that Gallien Preval, whose name is subscribed to the instrument of writing hereto annexed, was at the time of signing the same, and still is, one of the associate judges of the city of New Orleans, duly qualified and commissioned.

Given at New Orleans, under my hand and the seal of the State, this 3d day of September, one thousand, eight hundred and [L. S.] twenty-eight, and of the independence of the United States the fifty-third.

(Signed) H. JOHNSON.

STATE OF LOUISIANA, *city of New Orleans:*

Before me, Gallien Preval, associate judge of the city court of New Orleans, at the request of Valery Nicholas, esq., representing the heirs of the late Louis Boisdore, personally appeared J. B. Demoreulle, of this city, seventy years of age, who, being duly sworn according to law, doth depose and say, that the maps here shown to him, made by Vincent Sebastian Pintado, dated 30th May, 1810, represent the lands belonging to the late Louis Boisdore, which extend from the limits of the property of Philip Saucier, on the shore of bay St. Louis, as far as Pearl river, including all those fronting on the sea, which had not been granted by the Spanish government; that it is to his perfect knowledge, that since forty years the said Louis Boisdoré, his widow, or his other heirs, have been constantly in the possession of the aforesaid lands; and that part of the same had been improved and cultivated on the shores of the bayou Maringorim, and the remaining part used for the breed of cattle.

(Signed) DEMOREUELLE.

Sworn to and subscribed before me, New Orleans, August 27th, 1828.

(Signed) GALLIEN PREVAL, *Judge*.

UNITED STATES OF AMERICA, *State of Louisiana:*

By Henry Johnson, governor of the State of Louisiana.

These are to certify, that Gallien Preval, whose name is subscribed to the instrument of writing herein annexed, was, at the time of signing the same, and still is, one of the associate judges of the city court of New Orleans, duly qualified and commissioned.

Given at New Orleans, under my hand and seal of the State, this third day of September, one thousand eight hundred and [L. S.] twenty-eight, and of the independence of the United States the fifty-third.

(Signed) H. JOHNSON.

STATE OF LOUISIANA, *city of New Orleans:*

Before me, Gallien Preval, associate judge of the city court of New Orleans, at the request of Valery Nicholas, esq., representing the heirs

of the late Louis Boisdoré, personally appeared François Langlais, of this city, seventy years of age, who, being duly sworn according to law, doth depose and say, that the map here shown to him, and made by Vincent Sebastian Pintado, dated 30th May, 1810, represents the lands belonging to the late Louis Boisdoré, which extend, from the limits of the property of Philip Saucier, on the shores of bay St. Louis, as far as Pearl river, including all those fronting to the sea, which had not been granted by the Spanish government; that it is to his perfect knowledge that, since forty years, the said Louis Boisdoré, his widow and other heirs, have been constantly in possession of the aforesaid lands, and that part of them had been improved and cultivated on the shores of bayou Maringorin, and the remaining part used for the breed of cattle.

(Signed) F. LANGLOIS.

Sworn and subscribed to before me, New Orleans, August 27th, 1828.

(Signed) GALLIEN PREVAL, *Judge*.

UNITED STATES OF AMERICA,
State of Louisiana:

By Henry Johnson, governor of the State of Louisiana.

These are to certify, that Gallien Preval, whose name is subscribed to the instrument of writing herein annexed, was at the time of signing the same, and still is, one of the associate judges of the city court of New Orleans, duly qualified and commissioned.

Given at New Orleans, under my hand and seal of the State, this third day of September, one thousand eight hundred and twenty-eight, and of the independence of the United States the fifty-third.

(Signed) H. JOHNSON. [L. S.]

STATE OF LOUISIANA,
City of New Orleans:

Before me, Gallien Preval, associate judge of the city court of New Orleans, and at the request of Valery Nicholas, esq., representing the heirs of the late Louis Boisdoré, personally appeared Bazile Guillard, of this city, sixty-six years of age, who, being duly sworn according to law, doth depose and say, that the map here shown to him, made by Vincent Sebastian Pintado, dated the 30th May, 1810, represents the lands belonging to the late Louis Boisdoré, which extend from the limits of Philip Saucier's property, on the shores of bay St. Louis, as far as Pearl river, including all those fronting to the sea which had not been granted by the Spanish government; that it is to his perfect knowledge that, since forty years, the said Louis Boisdoré, his widow and other heirs, have constantly been in possession of the aforesaid lands, and that part of the same had been improved and cultivated on the shores of bayou Maringorin, and that the remaining part used for the breed of cattle.

(Signed) BAZILE ⋈ GUILLARD.
his
mark

Sworn to and subscribed before me, New Orleans, August 27th, 1828.

(Signed) GALLIEN PREVAL, *Judge.*

UNITED STATES OF AMERICA, *State of Louisiana:*

By Henry Johnson, governor of the State of Louisiana.

These are to certify, that Gallien Preval, whose name is subscribed to the instrument of writing herein annexed, was at the time of signing the same, and still is, one of the associate judges of the city court of New Orleans, duly qualified and commissioned.

Given at New Orleans, under my hand and seal of the State, this third day of September, one thousand eight hundred and twenty-eight, and of the independence of the United States the fifty-third.

(Signed) H. JOHNSON. [L. S.]

STATE OF LOUISIANA, *cit; of New Orleans:*

Before me, Gallien Preval, associate judge of the city court of New Orleans, at the request of Valery Nicholas, esq., representing the heirs of the late Louis Boisdoré, personally appeared Augustin Mallet, of this city, seventy-two years of age, who, being duly sworn according to law, doth depose and say, that the map here shown to him, made by Vincent Sebastian Pintado, dated the 30th May, 1810, represents the lands belonging to the late Louis Boisdoré, which extend from the limits of the property of Philip Saucier, on the shores of bay St. Louis, as far as Pearl river, including all those fronting to the sea which had not been granted by the Spanish government; that the said late Louis Boisdoré had a part of that land improved and cultivated, and that the remaining part of the same was used for the breed of cattle. This deponent further says, that he has, with the consent of Madam Widow Boisdoré, resided on and improved her lands, situated on the shores of bayou Maringorim, for the space of four years, from the year 1798 up to the year 1802.

(Signed) AUGUSTIN MALLET.

Sworn to and subscribed before me, New Orleans, August 27th, 1828.

(Signed) GALLIEN PREVAL, *Judge.*

UNITED STATES OF AMERICA, *State of Louisiana:*

By Henry Johnson, governor of the State of Louisiana.

These are to certify, that Gallien Preval, whose name is subscribed to the instrument of writing herein annexed, was at the time of signing the same, and still is, one of the associate judges of the city court of New Orleans, duly qualified and commissioned.

Given at New Orleans, under my hand and seal of the State, this third day of September, one thousand eight hundred and twenty-eight, and of the independence of the United States the fifty-third.

(Signed) H. JOHNSON. [L. S.]

Attest: VALENTINE DELMAS, *Clerk.*

LAND OFFICE, *Augusta, Mississippi.*

I, John S. Howze, register of the land office aforesaid, do hereby certify, that the foregoing writing is a true copy from the book of evidence of private land claims, as the same is seen of record in my office.

Given under my hand the 5th day of February, 1845.

(Signed) J. S. HOWZE, *Register.*

Report No. 3.

Register of claims to lands within that part of the limits of the land district of Jackson court house, in the State of Mississippi, lying below the 31° north latitude, (formerly Louisiana,) founded on orders of survey, requettes, permission to settle, or other written evidence of claim, derived either from the French, British, or Spanish authorities, which, in the opinion of former commissioners, ought not to be confirmed; but which have been revived, and additional testimony adduced in their support, but which, in the opinion of the undersigned, ought to be confirmed for a reasonable quantity.

Number.	Former Commissioners' Report.				By whom claimed.	Original claimant.	Nature of claim, and from what authority derived.
	Wm. Crawford, esq.		Register and Receiver.				
	No. Report.	No. Claim.	No. Report.	No. Claim.			
4	–	–	Spec'l. 8	2	Reps. Louis Boidoré.	Louis Boisdoré.	Spa. ord. survey.

Date of claim.			Quantity claimed.				By whom issued.	Surveyed.		Additional testimony.
Day.	Month.	Year.	Front.	Deep.	Area in Arpens.	Area in Acres.		When.	By whom.	
26	April,	1783	Unknown.			–	Stephen Miro.	No survey.		Inh. & cul. from 1788 to 1808.

(Signed) WM. HOWZE, *Register.*
G. B. DAMERON, *Receiver.*

Remarks.

Claim No. 4. This claim is founded on an order of survey issued by Governor Miro, in favor of Louis Boisdore, and confirmed to his widow, Marguerite Doussin, by the intendant, Morales, 4th April, 1808. It does not appear by the title papers that an actual survey was made with geometrical precision; yet a map, or conjectural plan, definitely

fixing the limits of the claim, was made by the surveyor general, Pintado, the 30th May, 1810. This claim extends from Pearl river to the bay of St. Louis, and is supposed to contain about one hundred thousand acres.

The additional testimony adduced to us proves incontestibly that this claim has been inhabited, and a part of the land kept under cultivation, upwards of forty years. It is also in testimony before us, that the extent of this claim was distinctly known to the neighbors, and that the claimant set up his claim to the whole limits contained within the before mentioned figurative plan. The above claim is forfeited under the Spanish laws, usages, and customs, for want of inhabitation and cultivation within the time prescribed by those laws and regulations. Yet as the inhabitation and cultivation appear to be very ancient, it is conceived that this claim ought to be confirmed for a reasonable quantity.

(Signed) WM. HOWZE, *Register*.
G. B. DAMERON, *Receiver*.

Attest:

(Signed) VALENTINE DELMAS, *Clerk*.

LAND OFFICE, *Augusta, Miss., Feb. 5th*, 1845.

I, John S. Howze, register of the land office aforesaid, do hereby certify, that the foregoing writing is a true extract from the book of reports on private land claims, as the same is seen of record in my office.

Given under my hand, the date above written.

(Signed) J. S. HOWZE, *Register*.

Afterwards, to wit, on the fifth day of May, A. D. one thousand eight hundred and forty-five, the following citation issued:

The President of the United States, to the marshal of the southern district of Mississippi, greeting:

You are hereby commanded to summon the United States of America, to be and appear before the district court of the United States, in and for the southern district of Mississippi, at a court to be held at the city of Jackson, on the second Monday of May next, to answer a certain petition filed against the said United States of America, by Etienne Alphonse Boisdore, Lourent Boisdoré, Sidney Boisdoré, Mathilde and Alerine Nicolas, widow of Manuel Fabre Danony, Caroline Nicolas, Elese Nicolas, Joseph Manuel de Labarre, Delphine Victorine de Labarre Real and her husband Christoval Real, Louis Dejean, Antoine Boisdore Dejean, and Manette Dejean Pardon and her husband Vincente Pardon, in our said court. Herein fail not, and have you then there this writ.

Witness the honorable Samuel J. Gholson, judge of said district court, this fifth day of May, A. D. 1845, and seal of said court.

[L. S.]

(Signed) WM. BURNS, *Clerk*.

Upon which process the marshal made the following return, to wit:
Served this process upon R. M. Gaines, district attorney of the United States, for the southern district of Mississippi, and also delivered a copy of the petition, as per acknowledgment.

(Signed) THOS. FLETCHER, *Marshal.*

Service acknowledged. May 12, 1845.

(Signed) R. M. GAINES, *U. S. Attorney.*

Afterwards, to wit, at a district court of the United States for district aforesaid, held at the city of Jackson, on the second Monday in December, A. D. 1845, the following order was entered of record, to wit:

"It is ordered by the court, on motion of petitioners' counsel, that they have leave to amend their petition."

Amended petition, filed November 12th, 1845.

To the honorable Samuel J. Gholson, district judge of the United States district court, for the southern district of the State of Mississippi, sitting at Jackson, in said State, for the trial of Spanish claims, under the treaties between the United States and the governments of France and Spain, and in pursuance of the acts of Congress of 1824 and 1844.

The petition of Etienne Alphonse Boisdoré, Lourent Boisdore, Sidney Boisdore, Mathilde and Alerine Nicolas, widow of Manual Fabre Danony, Caroline Nicolas, Elise Nicolas, Joseph Manuel de Labarre, Delphine Victoire de Labarre Real, and her husband Christoval Real, Louis Dejean, Antoine Boisdore Dejean, and Manette Dejean Pardon, and her husband Vincente Pardon, against the United States of America.

Your petitioners respectfully represent unto your honor, that they are the grand children, or have intermarried with the grand children, and only surviving heirs of Louis Boisdoré, deceased. That their ancestor, during his lifetime, intermarried with Margaret Doussain, both of whom are now deceased, but of which marriage there was the following issue:

1st. Louis Boisdoré, who died without heirs.

2d. Valery Boisdoré, who died, leaving three children, viz:

1. Etienne Alphonse Boisdoré,
2. Laurent Boisdoré, and
3. Sidney Boisdoré.

3d. Margaret Boisdore wife of Valery Nicholas, both dead, and represented by their three children, viz:

1. Mathilde Valerine Nicolas, widow of Manuel Fabre Dannoy.
2. Caroline Nicolas,
3. Elise Nicolas.

4th. Rosette Boisdoré, wife of Gilbert de Labarre, both dead, and represented by their children, viz:

1. Joseph Manuel de Labarre,
2. Delphine Victoire de Labarre, wife Christoval Real, residing in Havanna.

5th. Marie Angelique Boisdoré, wife of Jean Baptiste Cadet Dejean, both dead, and represented by their children, viz:

1. Louis Dejean,
2. Antoine Boisdore Dejean,
3. Manette Dejean, wife of M. Vincent Padron.

6th. Elise Boisdore, wife of Col. Guillemard, dead, without leaving issue.

Your petitioners represent to your honor, that their ancestor was an inhabitant and citizen of Florida, and of that tract of country now known as Louisiana, while it was under the dominion of the government of Spain; also, subsequently, while it was under the government and domination of France. That while that portion of country now known as Hancock county in the State of Mississippi, was still under the government and a part of the dominion of Spain, their ancestor procured the following grant and concession of land from said government under legal form, as follows:

In 1783, April 26, Louis Boisdoré presented his petition to Dn. Estivan Mero, governor general of the province of Louisiana, setting forth that he intended to form a grazing farm (vaqueria) in the neighborhood of the bay of St. Louis, in the district known by the name of Acouchoupoulas, for himself and his whole family, which was very large, as was known to the government; and that in order to employ his negroes and a large quantity of cattle, which he owned in that region, which was nearly uninhabitable and only suitable for a grazing farm; wherefore, he prays, in consideration of the premises, as well as the advantages which would result from such an establishment which he had already begun to form in the neighborhood of the capital, that there be granted to him all the vacant land in the district called Achucoupoulas, to begin at the plantation of Philip Saucier, thence to the bayou known as the bayou of the village of Musquitoes, formerly inhabited by Mr. Lee, and extending in depth to Pearl river, for the purpose of forming a plantation and grazing farm for himself and his family, &c.; in compliance with which petition, the order of the governor sets forth and grants:

That, considering the reasons above set forth, as well as the advantage and ability of the establishment of a grazing farm in the vicinity of the capital, in a district little suited to cultivation, the surveyor of the province, Dn. Carlos Laveau Trudeau, will establish Louis Boisdore on the land prayed for in the preceding memorial, without interfering with the claims of prior inhabitants; and which order was signed

MIRO.

On the 27th February, 1808, Margaret Doussin, widow of Louis Boisdore, employed Gilbert Guillemard to apply for the fixing of the boundaries of a tract of land, and procure a title, in due form, to the

said tract of land, situated at the bay of St. Louis, &c., and granted to Louis Boisdore by Dn. Estevan Miro, 26th April, 1783. By virtue of which Col. Guillemard presented a petition, setting forth the concession as above; and stating, further, that Dn. Carlos Laveau Trudeau had, on account of his many important occupations, as well as on account of the expense of the survey, failed to make such survey; but that, nevertheless, Louis Boisdoré, in order to preserve his concession, had sent much cattle thither, and employed an overseer, named Augustine Malette, on his said plantation, and who was still there. That, under these circumstances, the widow, believing she had a title, had remained inactive until advised her title was not complete and in due form; wherefore he prayed for a confirmation and survey of the claim, &c., &c.

This request was granted in extenso by Morales, the then governor of Florida, within whose actual administrative jurisdiction the land, so previously granted by the Governor of Louisiana, was then situated. An order of survey was accordingly, on the 7th of April, 1808, addressed to the surveyor general of the Province, Dn. Vincente Sebastian Pintado, to execute the survey for the petitioners.

Pintado made report that, Governor Miro having granted to Louis Boisdoré all that tract of land contained between the plantation of Philip Saucier, on the bay of St. Louis, the rivulet or bayou of the village of Musquitoes, in the district called Achoucoupoulous, which had been confirmed by the intendant, Morales, on 7th April, 1808, and he having been unable to visit said district for the two last preceding years, and having no deputy there to execute the survey, and the claimants requiring he should furnish them an authentic document establishing their title, he therefore made his despatch of special authority, on the 23d April, 1810, to James Loverens, a surveyor resident upon the Chefunch river, to execute the survey in his stead, with particular directions for his observance in doing the work. In these instructions Pintado acknowledges some embarrassment in determining the form and extent of the claim according to a fair and proper construction of the grant; and though by said instructions he recognised *and* extent of the claim up the Pearl river to a point north of and including the well known grant to Ambrose Gaines of five hundred arpents, yet your petitioners aver that his said instructions greatly contracted the grant in the extent to which, by its fair interpretation, and according to the usages and practice of the Spanish government in executing similar surveys under like form of grant, they were and are entitled. Your petitioners aver and believe that the said James Loverens never executed said survey.

And they further represent that, on the 30th day of April, 1810, only a week subsequent to the preceding despatch, the said Pintado, from some apprehension or information, as your petitioners believe, that the said James would not, or could not, execute said survey, or, to make assurance against such failure, made further and similar report as above recited; and, as substitute for an actual survey, he made and executed a figurative map, or plan, of the shape and boundaries of the land included in said claim, according to such construction as he saw fit and

proper to give to the terms and description of the grant; both of which reports and despatches, together with the said figurative plan, and the requests, concession, and other proceedings of the Spanish tribunals, recognising and confirming said claim in 1808, are herewith presented as exhibit (A.) and prayed to be taken as part of this petition.

But your petitioners represent, that said Pintado, by his figurative plan last aforesaid, has contracted the calls and boundaries of said claim to a less extent than by his instructions to the said James Loverens of the 23d of April, 1810, he had directed its survey; and both of which, they maintain, propose wrong and injustice to your petitioners by greatly diminishing their claim from that extent to which, by the terms of the grant, they are entitled, according to all laws and usages, both under the Government of Spain and of the United States; they maintain that the form and extent of their grant, to which, by the manifest and only reasonable construction of their concession, they are entitled, is that which would result and be produced by regarding as a base an assumed straight line between the two points called for as the front of the grant, viz., from the beginning point, at the north side of Philip Saucier's plantation, to the bayou of the Musquito village; and thence, by two parallel perpendicular lines, extended from each extremity of said base or front line, till each side line in its extension intersected the Pearl river.

While, therefore, your petitioners exhibit the instructions, and the figurative plan, of Pintado as aforesaid, as truly pertaining to the history of their claim, they protest that both of them most unwarrantably diminished the extent of their grant, and discards the form and shape of the land, which the language of the grant, and laws and usage, would assign to it; and to which, on the principles last above specified, they now insist.

The number of acres, to which by their claim your petitioners are entitled, they cannot specify. But, from conjectural estimate, they suppose and believe that, bounded by the figurative plan of Pintado as exhibited, they would be entitled to about seventy thousand acres; but, by a correct interpretation of their grant, they suppose their claim would be nearly duplicated; and this construction and extension of the grant, your petitioners believe was the obvious opinion of the commissioners who made report of the claim in 1820, as probably including several hundred thousand acres.

Your petitioners represent that Don Estevan Miro, the governor general of Louisiana, who made the original grant in 1783, had legal right, power, and authority to do so; and that Governor Morales, of the Territory of Florida, *whom*, by the matters disclosed in exhibit (A), was proceeding in 1808 to consummate and perfect said grant and title, had and held, at the date thereof, and for several years afterwards, actual and absolute power and jurisdiction over the territory where said claim is situate, and with rightful authority to confirm, make partition or survey of, administer and adjudicate upon, all grants and rights and titles to land which had been sold, transferred, or granted from out of the king's or the public domain, by lawful authority, (as your petition-

ers aver theirs was,) prior to the year 1800. Hence, though the proceedings on their claim in 1808 and 1810 did not progress to a consummation of their title, your petitioners nevertheless invoke and prefer said proceedings, as competent and lawful evidence that their claim of that date was duly regarded by proper authority as good and valid, and such as would have been, and was rightfully entitled to have been, perfected to patent, had not a change of government intervened, under which the grant originated, and that also under which their proceedings of 1808 were progressing.

They interpose these acts and declarations of the Spanish government as proof conclusive, also, that no forfeiture of the claim had been incurred up to that date, and so concluding the Government of the United States on that point.

They aver their title was protected and secured by the treaty of St. Ildefonso of October, 1800, and by the treaty of Louisiana of 1803, and by the laws of nations, and would, by the laws of Spain and the laws of France, have been perfected into a complete title, had not the sovereignty of the country been transferred to the United States.

They aver that their ancestor, the said Louis Boisdoré, and themselves, and their agents and representatives, have asserted their right of ownership, and maintained possession by actual inhabitation, cultivation of part of said land in behalf of the whole, from 1783 to the present time, and kept up a large herd of cattle and grazing establishment on said land from the date of the grant until many years after the jurisdiction of the Spanish government had been superseded by that of the United States.

Your petitioners represent, also, that all the three several boards of commission appointed by the several acts of Congress of 1812, 1819, and 1828, to investigate and make report on land claims, within the land district east of Pearl river, in the State of Mississippi, and within which this claim is situated; they have complied with the requirements of the laws of Congress, and have presented their claim and evidence of title to the said several boards, or to the land offices of Jackson court house, acting as commissioners, for investigation and approval. And three several reports have been made thereon, viz: one included in report No. 10, of Commissioner Crawford, in 1810; the 2d on 11th July, 1820; and the 3d on 15th January, 1829. The first most erroneously misconceived the evidence, the title, and description of the claim; the 2d, with but little more correctness in its conception of the case, was equally or more vague in its conclusions. Neither recommend the claim for confirmation; but to what extent they were favorable or unfavorable, your petitioners cannot well specify. The 3d report was probably favorable, and recommended the claim for confirmation for a reasonable amount. The act of Congress of 28th May, 1830, confirmed this report, but limits the confirmation of the claim to 1280 acres. Your petitioners aver this limitation was arbitrary and unjust, an attempt to curtail the lawful and undoubted rights of your petitioners without their appprobation and consent, and plainly violative

of the pledged faith of this nation, in the treaty of 1803, to protect this and similar rights to property which had attached or become vested under the government of Spain. As such your petitioners discard, and have ever discarded and disavowed, all the pretended donation proffered them by said act.

Your petitioners further represent that, regardless of their equitable and undoubted rights as before set forth, the Government of the United States have caused the land included within their grant as aforesaid to be surveyed into townships and sections, as if part of their public domain; and have from time to time granted and confirmed large portions thereof to numerous settlers, (who intruded upon said grant,) in donations, claims of one section to each settler, and have sold at private entry other large portions thereof to divers persons, all of whom now hold and possess said several portions of said tract adverse to the claim of these petitioners, and under the sales, donations, and confirmations of the United States as aforesaid. These adverse claims, your petitioners are advised, the act of Congress in this behalf requires them to renounce and respect, and which they hereby do accordingly, with the privilege over and instead, for which they pray to have a like quantity of lands within the State at private entry. The quantity to be thus commuted for your petitioners are not informed of, but suppose it to be about 20,000 acres, and which they will show, as may be required, from the maps and records of the land office, after their claim shall be surveyed, and certified under the decree of your honorable court.

For all the rest and residue of said claim, the United States are interested, adverse to your petitioners, to the extent of the value of the land included in the grant, which, being chiefly barren or pine flats, is not probably worth more, in the aggregate, than twenty-five cents per acre.

Your petitioners further represent, that all the original Spanish documents and title papers comprised in exhibit (A) were, by due and proper authority, translated and recorded; and certified copies of all which documents, together with the three several reports made thereon, are herewith presented as exhibit (B,) and prayed to be taken as part of this petition.

Your petitioners pray that the United States of America may be made parties defendants to this petition, and that your honorable court will proceed to hear and adjudicate the rights of your petitioners according to the principles of justice, and according to the laws and *ordanances* of the government of Spain, and the laws of nations, and the stipulations of the treaty of Louisiana of 30th of April, 1803, and of the laws of Congress applicable thereto; and that you will decree to your petitioners a confirmation of their title, and the ascertainment of its boundaries; and that you will grant to your petitioners all such other and further relief as their case may warrant, and to justice and equity shall appertain; and, as in duty bound, &c., &c.

(Signed,) V. E. HOWARD,
G. SCHMIDT, and
JOHN HENDERSON,
Solicitors for petitioners.

Demurrer.

HEIRS OF BOISDORE
vs.
THE UNITED STATES.

In equity.—In the special district court for the southern district of Mississippi.

The demurrer of the United States of America, defendants, to the bill of complaint of Etiene Alphonse Boisdoré and others, heirs of Louis Boisdoré:

These defendants, by protestation, not confessing or acknowledging all or any of the matters in said bill or petition set forth, in manner and form as the same are therein set forth and alleged, say, they are advised that there is no matter or thing, in the bill or petition of the said complainants, good and sufficient in law to call these defendants to answer in this honorable court for the same; but that there is good cause of demurrer thereto, and they do demur thereto accordingly; and, for causes of demurrer, say that the complainants' said bill of complaint, in case the same were true, which they do in no wise admit, contains no matter whereon this court can ground any decree against the said defendants; and, also, because the said complainants have not made the necessary parties. Wherefore, and for divers other errors and defects in said bill or petition, and appearing on the face thereof, these defendants do demur in law thereunto, and crave the judgment of the court whether they are compellable to make any other or further answer thereto; and the said defendants pray to be herein dismissed, with their reasonable costs in this behalf most wrongfully sustained.

(Signed,) R. M. GAINES, *U. S. Att'y.*

Whereupon, all and singular the premises being seen, heard, and by the court here fully understood, and mature deliberation being thereupon had, it is ordered by the court that the demurrer aforesaid be overruled, and leave given to the defendants to file their answer within sixty days.

Whereupon, the defendants, by their solicitor, filed their answer in the following words and figures, to wit:

Answer.

The answer of the United States of America to the petition and amended petition of Etiene Alphonse Boisdoré, Laurent Boisdoré, Sidney Boisdoré, and others, claiming to be the grandchildren and heirs at law of Louis Boisdoré, deceased, in the district court of the United States, for the southern district of Mississippi, sitting at Jackson, for the trial of Spanish claims, in pursuance of the acts of Congress of 1824 and 1844.

Respondents do not admit that said petitioners are the grandchildren, or that they have intermarried with the grandchildren, and only surviving heirs of Louis Boisdoré, deceased; nor do they admit that the

Sworn to and subscribed before me, New Orleans, August 27th, 1828.

(Signed) GALLIEN PREVAL, *Judge.*

UNITED STATES OF AMERICA, *State of Louisiana:*

By Henry Johnson, governor of the State of Louisiana.

These are to certify, that Gallien Preval, whose name is subscribed to the instrument of writing herein annexed, was at the time of signing the same, and still is, one of the associate judges of the city court of New Orleans, duly qualified and commissioned.

Given at New Orleans, under my hand and seal of the State, this third day of September, one thousand eight hundred and twenty-eight, and of the independence of the United States the fifty-third.

(Signed) H. JOHNSON. [L. S.]

STATE OF LOUISIANA, *cit; of New Orleans:*

Before me, Gallien Preval, associate judge of the city court of New Orleans, at the request of Valery Nicholas, esq., representing the heirs of the late Louis Boisdoré, personally appeared Augustin Mallet, of this city, seventy-two years of age, who, being duly sworn according to law, doth depose and say, that the map here shown to him, made by Vincent Sebastian Pintado, dated the 30th May, 1810, represents the lands belonging to the late Louis Boisdoré, which extend from the limits of the property of Philip Saucier, on the shores of bay St. Louis, as far as Pearl river, including all those fronting to the sea which had not been granted by the Spanish government; that the said late Louis Boisdoré had a part of that land improved and cultivated, and that the remaining part of the same was used for the breed of cattle. This deponent further says, that he has, with the consent of Madam Widow Boisdoré, resided on and improved her lands, situated on the shores of bayou Maringorim, for the space of four years, from the year 1798 up to the year 1802.

(Signed) AUGUSTIN MALLET.

Sworn to and subscribed before me, New Orleans, August 27th, 1828.

(Signed) GALLIEN PREVAL, *Judge.*

UNITED STATES OF AMERICA, *State of Louisiana:*

By Henry Johnson, governor of the State of Louisiana.

These are to certify, that Gallien Preval, whose name is subscribed to the instrument of writing herein annexed, was at the time of signing the same, and still is, one of the associate judges of the city court of New Orleans, duly qualified and commissioned.

Given at New Orleans, under my hand and seal of the State, this third day of September, one thousand eight hundred and twenty-eight, and of the independence of the United States the fifty-third.

(Signed) H. JOHNSON. [L. S.]

Attest: VALENTINE DELMAS, *Clerk.*

LAND OFFICE, *Augusta, Mississippi.*

I, John S. Howze, register of the land office aforesaid, do hereby certify, that the foregoing writing is a true copy from the book of evidence of private land claims, as the same is seen of record in my office. Given under my hand the 5th day of February, 1845.

(Signed) J. S. HOWZE, *Register.*

Report No. 3.

Register of claims to lands within that part of the limits of the land district of Jackson court house, in the State of Mississippi, lying below the 31° north latitude, (formerly Louisiana,) founded on orders of survey, requettes, permission to settle, or other written evidence of claim, derived either from the French, British, or Spanish authorities, which, in the opinion of former commissioners, ought not to be confirmed; but which have been revived, and additional testimony adduced in their support, but which, in the opinion of the undersigned, ought to be confirmed for a reasonable quantity.

Number.	Former Commissioners' Report.				By whom claimed.	Original claimant.	Nature of claim, and from what authority derived.
	Wm. Crawford, esq.		Register and Receiver.				
	No. Report.	No. Claim.	No. Report.	No. Claim.			
4	–	–	Spec'l. 8	2	Repa. Louis Boidoré.	Louis Boisdoré.	Spa. ord. survey.

Date of claim.			Quantity claimed.				By whom issued.	Surveyed.		Additional testimony.
Day.	Month.	Year.	Front.	Deep.	Area in Arpens.	Area in Acres.		When.	By whom.	
26	April,	1783	Unknown.			–	Stephen Miro.	No survey.		Inh. & cul. from 1788 to 1828.

(Signed) WM. HOWZE, *Register.*
G. B. DAMERON, *Receiver.*

Remarks.

Claim No. 4. This claim is founded on an order of survey issued by Governor Miro, in favor of Louis Boisdore, and confirmed to his widow, Marguerite Doussin, by the intendant, Morales, 4th April, 1808. It does not appear by the title papers that an actual survey was made with geometrical precision; yet a map, or conjectural plan, definitely

fixing the limits of the claim, was made by the surveyor general, Pintado, the 30th May, 1810. This claim extends from Pearl river to the bay of St. Louis, and is supposed to contain about one hundred thousand acres.

The additional testimony adduced to us proves incontestibly that this claim has been inhabited, and a part of the land kept under cultivation, upwards of forty years. It is also in testimony before us, that the extent of this claim was distinctly known to the neighbors, and that the claimant set up his claim to the whole limits contained within the before mentioned figurative plan. The above claim is forfeited under the Spanish laws, usages, and customs, for want of inhabitation and cultivation within the time prescribed by those laws and regulations. Yet as the inhabitation and cultivation appear to be very ancient, it is conceived that this claim ought to be confirmed for a reasonable quantity.

(Signed) WM. HOWZE, *Register*.
G. B. DAMERON, *Receiver*.

Attest:

(Signed) VALENTINE DELMAS, *Clerk*.

LAND OFFICE, *Augusta, Miss., Feb. 5th*, 1845.

I, John S. Howze, register of the land office aforesaid, do hereby certify, that the foregoing writing is a true extract from the book of reports on private land claims, as the same is seen of record in my office.

Given under my hand, the date above written.

(Signed) J. S. HOWZE, *Register*.

Afterwards, to wit, on the fifth day of May, A. D. one thousand eight hundred and forty-five, the following citation issued:

The President of the United States, to the marshal of the southern district of Mississippi, greeting:

You are hereby commanded to summon the United States of America, to be and appear before the district court of the United States, in and for the southern district of Mississippi, at a court to be held at the city of Jackson, on the second Monday of May next, to answer a certain petition filed against the said United States of America, by Etienne Alphonse Boisdore, Lourent Boisdoré, Sidney Boisdoré, Mathilde and Alerine Nicolas, widow of Manuel Fabre Danony, Caroline Nicolas, Elese Nicolas, Joseph Manuel de Labarre, Delphine Victorine de Labarre Real and her husband Christoval Real, Louis Dejean, Antoine Boisdore Dejean, and Manette Dejean Pardon and her husband Vincente Pardon, in our said court. Herein fail not, and have you then there this writ.

Witness the honorable Samuel J. Gholson, judge of said district court, this fifth day of May, A. D. 1845, and seal of said court.

[L. S.]

(Signed) WM. BURNS, *Clerk*.

Upon which process the marshal made the following return, to wit:

Served this process upon R. M. Gaines, district attorney of the United States, for the southern district of Mississippi, and also delivered a copy of the petition, as per acknowledgment.

(Signed) THOS. FLETCHER, *Marshal.*

Service acknowledged. May 12, 1845.

(Signed) R. M. GAINES, *U. S. Attorney.*

Afterwards, to wit, at a district court of the United States for district aforesaid, held at the city of Jackson, on the second Monday in December, A. D. 1845, the following order was entered of record, to wit:

"It is ordered by the court, on motion of petitioners' counsel, that they have leave to amend their petition."

Amended petition, filed November 12th, 1845.

To the honorable Samuel J. Gholson, district judge of the United States district court, for the southern district of the State of Mississippi, sitting at Jackson, in said State, for the trial of Spanish claims, under the treaties between the United States and the governments of France and Spain, and in pursuance of the acts of Congress of 1824 and 1844.

The petition of Etienne Alphonse Boisdoré, Lourent Boisdore, Sidney Boisdore, Mathilde and Alerine Nicolas, widow of Manual Fabre Danony, Caroline Nicolas, Elise Nicolas, Joseph Manuel de Labarre, Delphine Victoire de Labarre Real, and her husband Christoval Real, Louis Dejean, Antoine Boisdore Dejean, and Manette Dejean Pardon, and her husband Vincente Pardon, against the United States of America.

Your petitioners respectfully represent unto your honor, that they are the grand children, or have intermarried with the grand children, and only surviving heirs of Louis Boisdoré, deceased. That their ancestor, during his lifetime, intermarried with Margaret Doussain, both of whom are now deceased, but of which marriage there was the following issue:

1st. Louis Boisdoré, who died without heirs.

2d. Valery Boisdoré, who died, leaving three children, viz:

1. Etienne Alphonse Boisdoré,
2. Laurent Boisdoré, and
3. Sidney Boisdoré.

3. Margaret Boisdore wife of Valery Nicholas, both dead, and represented by their three children, viz:

1. Mathilde Valerine Nicolas, widow of Manuel Fabre Dannoy.
2. Caroline Nicolas,
3. Elise Nicolas.

4th. Rosette Boisdoré, wife of Gilbert de Labarre, both dead, and represented by their children, viz:

1. Joseph Manuel de Labarre,
2. Delphine Victoire de Labarre, wife Christoval Real, residing in Havanna.

5th. Marie Angelique Boisdoré, wife of Jean Baptiste Cadet Dejean, both dead, and represented by their children, viz:

1. Louis Dejean,
2. Antoine Boisdore Dejean,
3. Manette Dejean, wife of M. Vincent Padron.

6th. Elise Boisdore, wife of Col. Guillemard, dead, without leaving issue.

Your petitioners represent to your honor, that their ancestor was an inhabitant and citizen of Florida, and of that tract of country now known as Louisiana, while it was under the dominion of the government of Spain; also, subsequently, while it was under the government and domination of France. That while that portion of country now known as Hancock county in the State of Mississippi, was still under the government and a part of the dominion of Spain, their ancestor procured the following grant and concession of land from said government under legal form, as follows:

In 1783, April 26, Louis Boisdoré presented his petition to Dn. Estivan Mero, governor general of the province of Louisiana, setting forth that he intended to form a grazing farm (vaqueria) in the neighborhood of the bay of St. Louis, in the district known by the name of Acouchoupoulas, for himself and his whole family, which was very large, as was known to the government; and that in order to employ his negroes and a large quantity of cattle, which he owned in that region, which was nearly uninhabitable and only suitable for a grazing farm; wherefore, he prays, in consideration of the premises, as well as the advantages which would result from such an establishment which he had already begun to form in the neighborhood of the capital, that there be granted to him all the vacant land in the district called Achucoupoulas, to begin at the plantation of Philip Saucier, thence to the bayou known as the bayou of the village of Musquitoes, formerly inhabited by Mr. Lee, and extending in depth to Pearl river, for the purpose of forming a plantation and grazing farm for himself and his family, &c.; in compliance with which petition, the order of the governor sets forth and grants:

That, considering the reasons above set forth, as well as the advantage and ability of the establishment of a grazing farm in the vicinity of the capital, in a district little suited to cultivation, the surveyor of the province, Dn. Carlos Laveau Trudeau, will establish Louis Boisdore on the land prayed for in the preceding memorial, without interfering with the claims of prior inhabitants; and which order was signed

MIRO.

On the 27th February, 1808, Margaret Doussin, widow of Louis Boisdore, employed Gilbert Guillemard to apply for the fixing of the boundaries of a tract of land, and procure a title, in due form, to the

said tract of land, situated at the bay of St. Louis, &c., and granted to Louis Boisdore by Dn. Estevan Miro, 26th April, 1783. By virtue of which Col. Guillemard presented a petition, setting forth the concession as above; and stating, further, that Dn. Carlos Laveau Trudeau had, on account of his many important occupations, as well as on account of the expense of the survey, failed to make such survey; but that, nevertheless, Louis Boisdoré, in order to preserve his concession, had sent much cattle thither, and employed an overseer, named Augustine Malette, on his said plantation, and who was still there. That, under these circumstances, the widow, believing she had a title, had remained inactive until advised her title was not complete and in due form; wherefore he prayed for a confirmation and survey of the claim, &c., &c.

This request was granted in extenso by Morales, the then governor of Florida, within whose actual administrative jurisdiction the land, so previously granted by the Governor of Louisiana, was then situated. An order of survey was accordingly, on the 7th of April, 1808, addressed to the surveyor general of the Province, Dn. Vincente Sebastian Pintado, to execute the survey for the petitioners.

Pintado made report that, Governor Miro having granted to Louis Boisdoré all that tract of land contained between the plantation of Philip Saucier, on the bay of St. Louis, the rivulet or bayou of the village of Musquitoes, in the district called Achoucoupoulous, which had been confirmed by the intendant, Morales, on 7th April, 1808, and he having been unable to visit said district for the two last preceding years, and having no deputy there to execute the survey, and the claimants requiring he should furnish them an authentic document establishing their title, he therefore made his despatch of special authority, on the 23d April, 1810, to James Loverens, a surveyor resident upon the Chefunch river, to execute the survey in his stead, with particular directions for his observance in doing the work. In these instructions Pintado acknowledges some embarrassment in determining the form and extent of the claim according to a fair and proper construction of the grant; and though by said instructions he recognised *and* extent of the claim up the Pearl river to a point north of and including the well known grant to Ambrose Gaines of five hundred arpents, yet your petitioners aver that his said instructions greatly contracted the grant in the extent to which, by its fair interpretation, and according to the usages and practice of the Spanish government in executing similar surveys under like form of grant, they were and are entitled. Your petitioners aver and believe that the said James Loverens never executed said survey.

And they further represent that, on the 30th day of April, 1810, only a week subsequent to the preceding despatch, the said Pintado, from some apprehension or information, as your petitioners believe, that the said James would not, or could not, execute said survey, or, to make assurance against such failure, made further and similar report as above recited; and, as substitute for an actual survey, he made and executed a figurative map, or plan, of the shape and boundaries of the land included in said claim, according to such construction as he saw fit and

proper to give to the terms and description of the grant; both of which reports and despatches, together with the said figurative plan, and the requests, concession, and other proceedings of the Spanish tribunals, recognising and confirming said claim in 1808, are herewith presented as exhibit (A.) and prayed to be taken as part of this petition.

But your petitioners represent, that said Pintado, by his figurative plan last aforesaid, has contracted the calls and boundaries of said claim to a less extent than by his instructions to the said James Loverens of the 23d of April, 1810, he had directed its survey; and both of which, they maintain, propose wrong and injustice to your petitioners by greatly diminishing their claim from that extent to which, by the terms of the grant, they are entitled, according to all laws and usages, both under the Government of Spain and of the United States; they maintain that the form and extent of their grant, to which, by the manifest and only reasonable construction of their concession, they are entitled, is that which would result and be produced by regarding as a base an assumed straight line between the two points called for as the front of the grant, viz., from the beginning point, at the north side of Philip Saucier's plantation, to the bayou of the Musquito village; and thence, by two parallel perpendicular lines, extended from each extremity of said base or front line, till each side line in its extension intersected the Pearl river.

While, therefore, your petitioners exhibit the instructions, and the figurative plan, of Pintado as aforesaid, as truly pertaining to the history of their claim, they protest that both of them most unwarrantably diminished the extent of their grant, and discards the form and shape of the land, which the language of the grant, and laws and usage, would assign to it; and to which, on the principles last above specified, they now insist.

The number of acres, to which by their claim your petitioners are entitled, they cannot specify. But, from conjectural estimate, they suppose and believe that, bounded by the figurative plan of Pintado as exhibited, they would be entitled to about seventy thousand acres; but, by a correct interpretation of their grant, they suppose their claim would be nearly duplicated; and this construction and extension of the grant, your petitioners believe was the obvious opinion of the commissioners who made report of the claim in 1820, as probably including several hundred thousand acres.

Your petitioners represent that Don Estevan Miro, the governor general of Louisiana, who made the original grant in 1783, had legal right, power, and authority to do so; and that Governor Morales, of the Territory of Florida, *whom*, by the matters disclosed in exhibit (A), was proceeding in 1808 to consummate and perfect said grant and title, had and held, at the date thereof, and for several years afterwards, actual and absolute power and jurisdiction over the territory where said claim is situate, and with rightful authority to confirm, make partition or survey of, administer and adjudicate upon, all grants and rights and titles to land which had been sold, transferred, or granted from out of the king's or the public domain, by lawful authority, (as your petition-

ers aver their was,) prior to the year 1800. Hence, though the proceedings on their claim in 1808 and 1810 did not progress to a consummation of their title, your petitioners nevertheless invoke and prefer said proceedings, as competent and lawful evidence that their claim of that date was duly regarded by proper authority as good and valid, and such as would have been, and was rightfully entitled to have been, perfected to patent, had not a change of government intervened, under which the grant originated, and that also under which their proceedings of 1808 were progressing.

They interpose these acts and declarations of the Spanish government as proof conclusive, also, that no forfeiture of the claim had been incurred up to that date, and so concluding the Government of the United States on that point.

They aver their title was protected and secured by the treaty of St. Ildefonso of October, 1800, and by the treaty of Louisiana of 1803, and by the laws of nations, and would, by the laws of Spain and the laws of France, have been perfected into a complete title, had not the sovereignty of the country been transferred to the United States.

They aver that their ancestor, the said Louis Boisdoré, and themselves, and their agents and representatives, have asserted their right of ownership, and maintained possession by actual inhabitation, cultivation of part of said land in behalf of the whole, from 1783 to the present time, and kept up a large herd of cattle and grazing establishment on said land from the date of the grant until many years after the jurisdiction of the Spanish government had been superseded by that of the United States.

Your petitioners represent, also, that all the three several boards of commission appointed by the several acts of Congress of 1812, 1819, and 1828, to investigate and make report on land claims, within the land district east of Pearl river, in the State of Mississippi, and within which this claim is situated; they have complied with the requirements of the laws of Congress, and have presented their claim and evidence of title to the said several boards, or to the land offices of Jackson court house, acting as commissioners, for investigation and approval. And three several reports have been made thereon, viz: one included in report No. 10, of Commissioner Crawford, in 1810; the 2d on 11th July, 1820; and the 3d on 15th January, 1829. The first most erroneously misconceived the evidence, the title, and description of the claim; the 2d, with but little more correctness in its conception of the case, was equally or more vague in its conclusions. Neither recommend the claim for confirmation; but to what extent they were favorable or unfavorable, your petitioners cannot well specify. The 3d report was probably favorable, and recommended the claim for confirmation for a reasonable amount. The act of Congress of 28th May, 1830, confirmed this report, but limits the confirmation of the claim to 1280 acres. Your petitioners aver this limitation was arbitrary and unjust, an attempt to curtail the lawful and undoubted rights of your petitioners without their appprobation and consent, and plainly violative

of the pledged faith of this nation, in the treaty of 1803, to protect this and similar rights to property which had attached or become vested under the government of Spain. As such your petitioners discard, and have ever discarded and disavowed, all the pretended donation proffered them by said act.

Your petitioners further represent that, regardless of their equitable and undoubted rights as before set forth, the Government of the United States have caused the land included within their grant as aforesaid to be surveyed into townships and sections, as if part of their public domain; and have from time to time granted and confirmed large portions thereof to numerous settlers, (who intruded upon said grant,) in donations, claims of one section to each settler, and have sold at private entry other large portions thereof to divers persons, all of whom now hold and possess said several portions of said tract adverse to the claim of these petitioners, and under the sales, donations, and confirmations of the United States as aforesaid. These adverse claims, your petitioners are advised, the act of Congress in this behalf requires them to renounce and respect, and which they hereby do accordingly, with the privilege over and instead, for which they pray to have a like quantity of lands within the State at private entry. The quantity to be thus commuted for your petitioners are not informed of, but suppose it to be about 20,000 acres, and which they will show, as may be required, from the maps and records of the land office, after their claim shall be surveyed, and certified under the decree of your honorable court.

For all the rest and residue of said claim, the United States are interested, adverse to your petitioners, to the extent of the value of the land included in the grant, which, being chiefly barren or pine flats, is not probably worth more, in the aggregate, than twenty-five cents per acre.

Your petitioners further represent, that all the original Spanish documents and title papers comprised in exhibit (A) were, by due and proper authority, translated and recorded; and certified copies of all which documents, together with the three several reports made thereon, are herewith presented as exhibit (B,) and prayed to be taken as part of this petition.

Your petitioners pray that the United States of America may be made parties defendants to this petition, and that your honorable court will proceed to hear and adjudicate the rights of your petitioners according to the principles of justice, and according to the laws and *ordonances* of the government of Spain, and the laws of nations, and the stipulations of the treaty of Louisiana of 30th of April, 1803, and of the laws of Congress applicable thereto; and that you will decree to your petitioners a confirmation of their title, and the ascertainment of its boundaries; and that you will grant to your petitioners all such other and further relief as their case may warrant, and to justice and equity shall appertain; and, as in duty bound, &c., &c.

(Signed,) V. E. HOWARD,
G. SCHMIDT, and
JOHN HENDERSON,
Solicitors for petitioners.

Demurrer.

HEIRS OF BOISDORE
vs.
THE UNITED STATES.

In equity.—In the special district court for the southern district of Mississippi.

The demurrer of the United States of America, defendants, to the bill of complaint of Etiene Alphonse Boisdoré and others, heirs of Louis Boisdoré:

These defendants, by protestation, not confessing or acknowledging all or any of the matters in said bill or petition set forth, in manner and form as the same are therein set forth and alleged, say, they are advised that there is no matter or thing, in the bill or petition of the said complainants, good and sufficient in law to call these defendants to answer in this honorable court for the same; but that there is good cause of demurrer thereto, and they do demur thereto accordingly; and, for causes of demurrer, say that the complainants' said bill of complaint, in case the same were true, which they do in no wise admit, contains no matter whereon this court can ground any decree against the said defendants; and, also, because the said complainants have not made the necessary parties. Wherefore, and for divers other errors and defects in said bill or petition, and appearing on the face thereof, these defendants do demur in law thereunto, and crave the judgment of the court whether they are compellable to make any other or further answer thereto; and the said defendants pray to be herein dismissed, with their reasonable costs in this behalf most wrongfully sustained.

(Signed,) R. M. GAINES, *U. S. Att'y.*

Whereupon, all and singular the premises being seen, heard, and by the court here fully understood, and mature deliberation being thereupon had, it is ordered by the court that the demurrer aforesaid be overruled, and leave given to the defendants to file their answer within sixty days.

Whereupon, the defendants, by their solicitor, filed their answer in the following words and figures, to wit:

Answer.

The answer of the United States of America to the petition and amended petition of Etiene Alphonse Boisdoré, Laurent Boisdoré, Sidney Boisdoré, and others, claiming to be the grandchildren and heirs at law of Louis Boisdoré, deceased, in the district court of the United States, for the southern district of Mississippi, sitting at Jackson, for the trial of Spanish claims, in pursuance of the acts of Congress of 1824 and 1844.

Respondents do not admit that said petitioners are the grandchildren, or that they have intermarried with the grandchildren, and only surviving heirs of Louis Boisdoré, deceased; nor do they admit that the

issue of the marriage of said Louis Boisdoré with Margaret Doussain was as stated in said petition. On these points they have no knowledge, and, therefore, they deny the allegations of the petition, and require full and strict proof thereof. It may be true, as stated in said petition, that the said Louis Boisdoré was an inhabitant of Florida, and of that tract of country known as Louisiana, while the same was under the government of Spain and France. They know nothing on this subject, and require proof. It may be true that the said Louis Boisdoré procured from the Spanish government such a concession or order of survey, on the 26th April, 1783, as is set forth in said petition; but if so, respondents require the production of the original document, duly authenticated, or that its absence be strictly accounted for, with proof of its genuineness; and if a copy is relied on, that the same be strictly proved, and also proof that the same was sanctioned by royal authority.

Respondents admit that, in the day of the date of said supposed concession or order of survey, and from that time to the date of the treaty of St. Ildefonso, on the 1st day of October, 1800, that portion of the country now known as Hancock county, in the State of Mississippi, where the land claimed by the petitioners is situated, was under the government and part of the dominion of Spain; and that, during that time, Spain had the rightful authority to grant lands within the said tract of country; but, even admitting that such grant, concession, or order of survey, as that set out in the petition, to have been made by Governor Miro on 26th April, 1783, (which they do not admit,) yet they deny that said order of survey, or by whatever name it may be called, was sufficient of itself to vest a title, in the said Louis Boisdoré, to any specific tract of land; and they deny that any act was done by the said Louis Boisdoré, while the sovereignty of said territory resided in Spain, to sever any definite piece of land from the royal domain. It is admitted by the petition that no survey of said land has ever yet been made; and respondents deny that there ever was any such inhabitation or occupation of any definite portion of the land claimed by petitioners as gave the said Louis Boisdoré a valid claim against the crown of Spain while that government retained the sovereignty. On the contrary, respondents contend that it is admitted by the petition itself, by a strong implication, if not expressly, that the said Louis Boisdoré had no valid claim, in 1808, when application was made to Morales, then governor of Florida, for its confirmation. Respondents submit it to this honorable court that all the acts of Morales, governor of Florida, or any other Spanish authority subsequent to the cession of Louisiana by Spain to France and by France to the United States, having for their object the granting, or confirming, or perfecting any title or claim to land west of the river Perdido, are inoperative, null, and void.

While, therefore, they rely upon the fact of the employment of Gilbert Guillemard to procure a title, as proof that the parties themselves at that time considered their title invalid, and the action of Morales upon his petition as proof that he also considered it in the same light, they insist that the order of survey granted by him, of the 7th April, 1808,

and the action of Pintado upon it, of the 23d and 30th April, 1810, are wholly null and void, and can have no effect whatever in support of the claim of the petitioners herein. The Spanish government at that time had no authority whatever to grant land, or do any act towards perfecting the title to land in the district of country referred to.

But respondents further answering insist, that, if the petitioners rely on the confirmation by the Spanish authorities in 1808 and 1810, they ought at least to be content with the quantity which that confirmation gives them, and not to claim, as they do in the petition, double that quantity.

Respondents might safely admit that Don Estivan Miro, who made the original grant or order of survey, (if he did make it,) had authority to do so; but they deny that said order of survey conveys any title whatever, but insist it is void for uncertainty, and that nothing was ever done, during the existence of the Spanish authority in the territory to perfect it. They deny, as before, any authority in Morales to do what he is alleged to have done in reference to the claim of petitioners. Whatever his administrative jurisdiction may have been, he certainly had no power or authority in regard to the domain of the country.

Respondents deny that the said Louis Boisdore maintained the possession of the tract of land claimed by actual habitation and cultivation, as alleged in said petition, from 1783 to the present time, and that he kept up a kind of cattle and grazing establishment on said land from the date of the grant; and they insist that, for want of such habitation, settlement, and cultivation, the claim, if it ever had any existence, was forfeited by the laws, customs, and usages of the Spanish government.

Respondents admit that the claim of the petitioners has been presented to several boards of commissioners, appointed under acts of Congress; but they deny that the petitioners, or those representing them, ever complied fully with the requirements of the laws of Congress, or presented any sufficient and competent evidence of title, or any evidence which would justify a favorable report. The act of Congress of the 28th May, 1830, upon the last report made in reference to this claim, expressly provides, that it shall not be confirmed to more than 1,280 acres; and respondents rely on said act of Congress as a final and complete rejection of said claim, and as such final action upon it by the Government of the United States as that this court has no jurisdiction now to try it. They rely on this objection, and *and* claim the full benefit of it, in the same manner as if they had relied upon it by way of plea or demurrer. They admit that they have caused the land now claimed by the petitioners to be surveyed into townships and sections, and have granted large portions thereof to numerous settlers, and have sold at private entry other large portions thereof, as they had good right and lawful authority to do; and that said settlers and purchasers are now in possession of the said several portions so granted and sold.

Respondents submit, that these grantees and purchasers from the United States are necessary parties to this suit; and they insist upon the

objection that they are not made so by petitioners, and claim the benefit of the same as fully as if insisted on more formally by plea or demurrer.

Respondents do not admit that the original Spanish documents and title papers, comprised in exhibit A, were translated by due and proper authority, and recorded as required by law; but in this, as in regard to every other matter deemed in any way material, the respondents require full and legal proof.

Respondents further answering deny, that the title or claim of petitioners was protected by the treaty of St. Ildefonso of 1800, by the treaty of Louisiana of 1803, or by the law of nations; and they deny that it would or ought to have been perfected into a complete title by the laws of Spain or France, if the sovereignty of the country had not changed. They that the said concession was conditional, and that it was necessary the grantee should have occupied and possessed, within and for a limited time, and moreover that the grantee should establish without delay, or within a reasonable time, a cowpen for the public benefit; and further, that a survey should have been made within a reasonable time, and a part of the public records, so that the public might know what land, if any, was to be separated from the public domain; and respondents say that none of the requisitions were complied with, and that the claim was forfeited according to the Spanish laws, customs, and usages.

Respondents further answering say, that there were several places known by the name of Musquito village, in the neighborhood of the land claimed by petitioners, at the date of said concession, and subsequently, which renders it still more defective and uncertain.

Respondents further answering say, that they have been informed, and so charge the truth to be, that the said petitioners accepted the donation of 1,280 acres of land, for which only Congress confirmed their claim by the act of May 28, 1830, and that it is now too late for them to disclaim the same. They further answering say, that the said 1,280 acres was surveyed for the said petitioners, on the 6th November, 1830, by Elihu Carver, deputy surveyor, and his report of the same was returned to and approved by Gideon Fitz, surveyor general south of Tennessee, on the 16th day of August, 1832. All which will more fully appear by reference to a certified copy of said report and return, herewith filed, and prayed to be taken and considered as a part of this answer, marked No. 1.

Respondents submit, that such acceptance of the 1,280 acres, granted as a donation by said act of Congress, is a complete extinguishment of all right or claim to any greater quantity; but, whether accepted or not, respondents again insist, *on* the said act of 1830 was such a final action of the Government of the United States as deprives this court of all jurisdiction in this cause; and they rely on this objection as fully as if the same was formally insisted on by plea or demurrer.

Respondents having fully answered, ask that the said petition may be dismissed, &c.

(Signed) R. M. GAINES, *U. S. Attorney.*

No. 47

No 177. U.S. vs Boisdore

7—72—print 47.

Exhibit No 1—

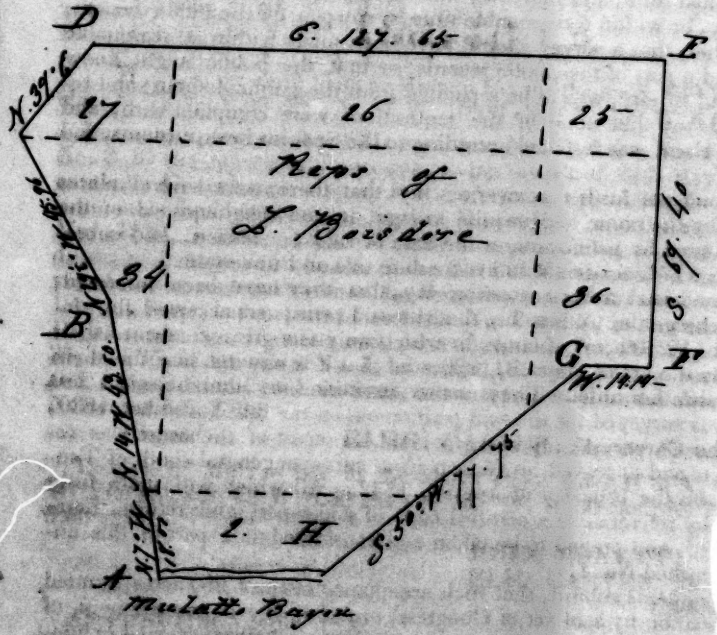

Exhibit No. 1.

[For plat see original.]

Notes of reference.

At A, a post on the north side of Mulatto bayou.
B, a marsh.
C,
D, a post in marsh or bank of bayou.
E, a pine S. 26° E. 47 lks., marked X X X
F, a pine N. 13 W. 16 lks., marked L. D.
" a pine S. 80° W. 70 lks., marked X X X
G, a live oak N. 82° E. 6 lks., marked L. D.
" a red bay S. 72 W. 17 lks., marked X X X
H, a post on north bank of Mulatto bayou, thence S. 84° W. 9.80 chs.; S. 78 W. 6.00 chs.; N. 87 W. 10.00 chs.; N. 79° W. 6.00 to A.

Pursuant to warrant No. 695, certificate No. 7, claim No. 4, report No. 3, by the register and receiver, under the act of 24th May, 1828, entitled "An act supplementary to the several acts providing for the adjustment of land claims in the State of Mississippi," and the act of 28th May, 1830, entitled "An act to confirm certain claims to land in the district of Jackson court house, in the State of Mississippi," I have surveyed for the representatives of L. Boisdore, a tract of land containing 1280,$\frac{42}{100}$ acres, being parts of sections No. 2 and 3, in township No. 10, of range No. 16 west; and parts of sections No. 25, 26, 27, 34, 35; and 36, in township No. 7, of range 16 west; having such form and marks, natural and artificial, as are represented in the above plat. November 6th, 1830.

(Signed) ELIHU CARVER, *Deputy Surveyor.*

Traverse of Mulatto bay in the above claim from H to A, S. 84° W. 9.00 chs.; S. 72 W. 6.00 chs.; N. 87° W. 10.00 chs.; N. 79° W. 6.00 chs.

JOHN MONETT,
ELIU CARVER, JR.
Chainers.

Approved 11th August, 1832.
(Signed) GIDEON FITZ,
Sur. south of Tennessee.

SURVEYOR'S OFFICE, *Jackson, Nov.* 7, 1846.

I certify that the within plat and return of survey is truly copied from the record in my office.
(Signed) C. A. BRADFORD,
Sur. south of Tennessee.

The following depositions, exhibits, and other proofs, were read in evidence in this cause, viz:

UNITED STATES OF AMERICA,
Eastern district of Louisiana, city of New Orleans, ss:

Be it remembered, that on this sixth day of November, in the year of our Lord one thousand eight hundred and forty-five, before me, M. M. Cohen, a commmissioner duly appointed on the 19th April, 1842, by the circuit court of the United States, in and for the eastern district of Louisiana, under and by virtue of the acts of Congress, entitled "An act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," passed February 20, 1842; and the act of Congress, entitled "An act in addition to an act entitled 'An act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States,'" passed March 1st, 1817; and the act entitled "An act to establish the judicial courts of the United States," passed September 24, 1789, personally appeared Gallien Preval, a person of sound mind and lawful age, a witness for plaintiffs in civil suit now depending in the district court of the United States, in and for the district of Mississippi, wherein the heirs of Boisdore are plaintiffs, and the United States of America defendants; and the said Gallien Preval, being by me first carefully examined, and cautioned, and sworn to testify the whole truth and nothing but the truth, did depose and say: that he is aged sixty-five years of age, and resides in the city of New Orleans and State of Louisiana; that he has been a justice of the peace and an associate judge of the city court of New Orleans since the year eighteen hundred and twelve, and that he still continues to hold said offices and appointments. Deponent further deposeth and sayeth, that he is personally acquainted with John Joseph Blache, (merchant,) and also with Charles Louis Blache, treasurer, and Bernard Marigny, and that the above named three persons are now living in the city of New Orleans aforesaid, where they have resided for many years past. Deponent further saith, that he knew Vincente Ignacio Ramos, Felix Tala, Charles de Grand Pré, Alexis Rochon, Jean Baptiste Derieux, Gillaume Benete, J. B. Demoruelle, Francis Langlois, and Bazilé Gaillard, and that it is to his knowledge that these nine last named persons are all dead.

(Signed) GALLIEN PREVAL.

UNITED STATES OF AMERICA,
Ninth circuit and eastern district of Louisiana,
City of New Orleans, ss:

I, M. M. Cohen, a commissioner duly appointed on the 19th April, 1842, by the circuit court of the United States, for the ninth circuit and eastern district of Louisiana, under and by virtue of the acts of Congress, entitled "An act for the more convenient taking of affidavits and bail in civil cases depending in the courts of the United States," passed February 20th, 1812; and the act of Congress entitled "An act in ad-

dition to an act entitled "An act to the more convenient taking of affidavits and bail in civil cases depending in the courts of the United States," passed March 1st, 1817; and the act entitled "An act to establish the judicial courts of the United States," passed September 24, 1789; do hereby certify, that the reason for taking the foregoing deposition is, and the fact is, that the witness lives in New Orleans, State of Louisiana, more than one hundred miles from Jackson, State of Mississippi, the place of trial of the cause for and in which said deposition is taken and is necessary. I further certify, that no notification was made out and served on the defendant or adverse parties, agent, or attorney, to be present at the taking of the deposition, and to put interrogatories, if he or they may think fit; and that no notification of the time and place of taking the said deposition was made out and served on said defendant or adverse party, because neither the said adverse party nor any attorney or agent of said adverse party was, at the time of taking said deposition, within (100) miles of the said city of New Orleans, the place of taking the said deposition.

I further certify, that on the sixth day of November, A. D. 1845, I was attended by the witness, who is of sound mind and lawful age, and the witness was by me carefully examined, and cautioned, and sworn to testify the whole truth, and the deposition was by me reduced to writing in the presence of the witness, and after carefully reading the same to the witness, he subscribed the same in my presence. I have retained the said deposition in my possession for the purpose of sealing up, directing, and forwarding the same with my own hand to the court for which the same was taken

I further certify, that I am not of counsel or attorney to either of the parties in said deposition and caption named, or in any way interested in the event of the said civil cause named in the caption.

In testimony whereof I have hereunto set my hand and seal.

(Signed) M. M. COHEN [L. S.]
U. S. Commissioner.

Circuit and district court, United States, for the ninth circuit and eastern district of Louisiana.

UNITED STATES OF AMERICA,
Eastern district of Louisiana, city of New Orleans, ss:

Be it remembered, that on this thirty-first day of in the year of our Lord one thousand eight hundred and , before me, M. M. Cohen, a commissioner duly appointed on the 19th April, 1842, by the circuit court of the United States, in and for the eastern district of Louisiana, under and by virtue of the acts of Congress, entitled "an act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States, passed February 20th, 1842, and the act of Congress, entitled "an act in addition to an act entitled "an act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," passed March 1st, 1817, and the act entitled "an act to establish the judicial

courts of the United States," passed September 24th, 1789, personally appeared Joseph Chalon, a person of sound mind and lawful age, a witness for the plaintiffs in civil suit, now depending in the district court of the United States, in and for the district of Mississippi, wherein the heirs of Louis Boisdore are plaintiffs, and the United States of America defendant; and the said Joseph Chalon being by me first carefully examined, and cautioned, and sworn to testify the whole truth, and nothing but the truth, did depose and say, that he is a native of the State of Louisiana, and is aged about seventy-two years; that he knew Louis Boisdoré, who was the grandfather of the present plaintiff; that said Louis Boisdoré died in the city of New Orleans. Deponent knows to his personal knowledge that said Louis Boisdore had, from his marriage with Margaret Doussin, six children, whose names are—1st, Valery Boisdoré, who died leaving for his heirs Etienne Alphonse Boisdoré, Laurent Boisdoré, and Jean Sidney Boisdoré. 2d, Marguerite Boisdoré, who married Valery Nicolas, and left for her heirs Mrs. Mathilde Valerine Nicolas, widow of Manuel Fabre Dounoy, Miss Caroline Nicolas, and Miss Elise Nicolas. 3d, Rosette Boisdoré, wife of Gilbert de Labarre, who died leaving for her heirs Joseph Manuel de Labarre and Delphine Victoire de Labarre, the wife of Christoval Real. 4th, Marie Angélique Boisdoré, who married Jean Baptiste Cadet Dejean, who left for their heirs Manette Dejean, wife of Vicente Padrase, Louis Dejan and Antoine Boisdore Dejan. 5th, Louis Boisdore, jr., who died without posterity; and 6th, Felicite Boisdore, who married Mr. Guilmard, and died leaving one son named Gilbert, as deponent thinks. And deponent further says, that he has no interest whatever in a certain claim of the heirs of Boisdoré against the United States, relative to a claim of certain lands lying in the State of Mississippi.

(Signed) CHALON.

UNITED STATES OF AMERICA, *ninth circuit and eastern district of Louisiana, city of New Orleans, ss:*

I, M. M. Cohen, a commissioner duly appointed on the 19th April, 1842, by the circuit court of the United States, for the ninth circuit and eastern district of Louisiana, under and by virtue of the acts of Congress, entitled "an act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," passed February 20th, 1812, and the act of Congress, entitled "an act in addition to an act, entitled 'an act to the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," passed March 1st, 1817, and the act entitled "an act to establish the judicial courts of the United States," passed September 24th, 1789, do hereby certify, that the reason for taking the foregoing deposition is, and the fact is, that the witness lives in New Orleans, State of Louisiana, more than one hundred miles from Jackson, State of Mississippi, the place of trial of the cause for and in which said deposition is taken, and is necessary.

I further certify, that no notification was made out and served on the defendant or adverse party, agent, or attorney, to be present at the taking of the deposition, and to put interrogatories, if he or they may think fit; and that no notification of the time and place of taking the said deposition was made out and served on said defendant or adverse party, because neither the said adverse party, nor any attorney or agent of said adverse party, was at the time of taking said deposition within (100) one hundred miles of the said city of New Orleans, the place of taking said deposition.

I further certify, that on this thirty-first day of October, A. D. 1845, I was attended by the witness, who is of sound mind and of lawful age, and the witness was by me carefully examined, and cautioned, and sworn to testify the whole truth, and the deposition was by me reduced to writing, in the presence of the witness, and after carefully reading the same to the witness, he subscribed the same in my presence. I have retained the said deposition in my possession for the purpose of sealing up, directing, and forwarding the same with my own hand to the court for which the same was taken.

I further certify, that I am not of counsel or attorney to either of the parties in said deposition and captain named, or in any way interested in the event of the said civil cause named in the caption.

In testimony whereof I have hereunto set my hand and seal.

Signed, M. M. COHEN,
United States Commissioner.

Circuit and district court, United States, for the fifth circuit and district of Louisiana.

UNITED STATES OF AMERICA,
Eastern district of Louisiana, city of New Orleans, ss:

Be it remembered, that on this fourth day of November, in the year of our Lord one thousand eight hundred and forty-five, before me, M. M. Cohen, a commissioner, duly appointed on the 19th April, 1842, by the circuit court of the United States, in and for the eastern district of Louisiana, under and by virtue of the acts of Congress, entitled "An act for the more convenient taking of affidavits and bail in civil causes depending in courts of the United States," passed February 20th, 1842, and the act of Congress, entitled "An act in addition to an act entitled 'An act for the more convenient taking of affidavits and bail in civil causes depending in courts of the United States," passed March 1st, 1817, and the act entitled "An act to establish the judicial courts of the United States," passed September 24th, 1789, personally appeared Francis Boisdoré, a person of sound mind and lawful age, a witness for the plaintiffs in civil suit, now depending in the district court of the United States, in and for the district of Mississippi, wherein the heirs of Boisdoré are plaintiffs, and the United States of America are defendants; and the said Francois Boisdoré being by me first carefully examined, and cautioned, and sworn to testify the whole truth, and nothing but the truth, did depose and say:

That he is a native of the State of Louisiana, and is aged about sixty-four years, and is the natural son of Louis Boisdoré, who died in this city of New Orleans. Deponent knows to his personal knowledge that said Louis Boisdoré had from his marriage with Marguerite Doussin six children, whose names are—1st, Valery Boisdoré, who died leaving for his heirs Etienne Alesphore Boisdoré, Laurent Boisdoré, and Jean Sidney Boisdoré; 2d, Marguerite Boisdoré, who married Valery Nicolas, and left for her heirs Mrs. Mathilde Valerine Nicholas, widow of Manuel Fabre Daunoy, Miss Caroline Nicolas, and Miss Elise Nicolas; 3d, Rosette Boisdore, wife of Gilbert de Labarre, who died leaving for her heirs Joseph Manuel de la Barre and Delphine Victoire de Labarre, wife of Christoval Real; 4th, Marie Angelique Boisdoré, who married Jean Baptiste Cadet Dejean, who left for their heirs Manette Dejean, wife of Vincent Padon, Louis Dejan, and Antoine Boisdoré Dejan; 5th, Louis Boisdoré, junior, who died without posterity; 6th, Felicité Boisdoré, who married M. Guilmard, and died leaving one son, whose name he, deponent, does not recollect. And deponent further says, that he has no interest whatever in a certain claim of the heirs of Boisdoré against the United States, relative to a claim of certain lands lying in the State of Mississippi.

Signed, FR. BOISDORE.

UNITED STATES OF AMERICA,
Ninth circuit and eastern district of Louisiana,
City of New Orleans, ss:

I, M. M. Cohen, a commissioner, duly appointed on the 19th April, 1842, by the circuit court of the United States, for the ninth circuit and eastern district of Louisiana, under and by virtue of the acts of Congress, entitled "An act for the more convenient taking of affidavits and bail in civil causes depending in the courts of the United States," passed February 20th, 1812, and the act of Congress, entitled "An act in addition to an act, entitled 'An act to the more convenient taking of affidavits and bail in civil causes depending in courts of the United States,'" passed March 1st, 1817; and the act, entitled "An act to establish the judicial courts of the United States," passed September 24th, 1789, do hereby certify, that the reason for taking the foregoing deposition is, and the fact is, that the witness lives in New Orleans, State of Louisiana, more than one hundred miles from Jackson, State of Mississippi, the place of trial of the cauze for and in which said deposition is taken and necessary.

I further certify, that no notification was made out and served on the defendant or adverse party, agent, or attorney, to be present at the taking of the deposition, and to put interrogatories, if he or they may think fit; and that no notification of the time and place of taking the said deposition was made out and served on said defendant or adverse party, because neither the said adverse party nor any attorney or agent of said adverse party was at the time of taking said deposition within (100) one

hundred miles of the said city of New Orleans, the place of taking the said deposition.

I further certify, that on this fourth day of November, A. D. 1845, I was attended by the witness, who is of sound mind and lawful age, and the witness was by me carefully examined, and cautioned, and sworn to testify the whole truth, and the deposition was by me reduced to writing in the presence of the witness, and after carefully reading the same to the witness, he subscribed the same in my presence. I have retained the said deposition in my possession, for the purpose of sealing up, directing, and forwarding the same with my own hand to the court for which the same was taken.

I further certify, that I am not of counsel or attorney to either of the parties in said deposition and captain named, or in any way interested in the event of said civil cause named in the caption.

In testimony whereof I have hereunto set my hand seal.

Signed, M. M. COHEN, [L. S.]
United States Commissioner.

Circuit and district court of [the] United States, for the fifth circuit and district of Louisiana.

LOUIS BOISDORE'S HEIRS
vs.
UNITED STATES.

In the district court of the United States, for the district of Mississippi, 1847.

Interrogatories propounded to H. J. Williams and Louis Bringier, esqs., both citizens of New Orleans, and State of Louisiana, whose answers, when obtained, are intended to be read in evidence on hearing of the above entitled cause.

Interrogatory 1st to both witnesses: What is your office and occupation, and are you not each well acquainted with Spanish grants of land, and the principles which govern the surveys of Spanish claims?

2d. Is it not a common feature in Spanish grants fronting upon a river, lake, or sea-shore, to grant by a specific measure front on the water-course, and either to run back to a specified measure or quantity, or to run back to a natural boundary (as another water-course) without specifying any course or direction for the side lines?

3d. If a Spanish grant should call for two specific points as its front upon a water boundary, and should call to run back from such front to another water boundary in its rear, specifying no course for its side lines, and where no physical obstructions or general ordinance prescribed the side lines, what rule would you adopt, according to Spanish usage, to fix the course of the side lines in relation to said front, and what should be the general figure the survey should represent?

(Signed,) JOHN HENDERSON,
Solicitor for Complainants.

Cross interrogatories.

1st. It is presumed that you are surveyors. If so, please state how long you have been practically engaged in that business, and what have been your means and opportunities of understanding the principles which govern the survey of Spanish claims.

2d. Appended to these interrogatories you will find two different translations of the Spanish grant in controversy in this suit, one marked A and the other B. A copy of the original in the Spanish language is also sent to New Orleans at the same time with these interrogatories, to be translated by E. Lauve, esq., whose translation you may have an opportunity to examine before giving your testimony. Please examine all the translations carefully, and answer whether, in your opinion, the grant is sufficiently certain to admit of an accurate survey. Please examine, also, an extract from the instructions of the Spanish surveyor general, Pintado, dated in May, 1810, which you will find also appended on the same half sheet of paper marked B, and if you think the claim can be correctly surveyed at all, please state if your opinion coincides with his as expressed in said extract, and if not, on what points you differ, and the reasons for your difference.

3d. If a Spanish grant, as in this case, calls for a plantation as a specific point from which the front is to commence, and as a second specific point a bayou which empties itself into a larger one before it reaches an arm or cut-off of Pearl river, would you call that a water boundary? Without any call to run back to another water-course in its rear, what just rule can be adopted to survey it at all, and can it, by any possible interpretation, be made to cover more land than would be found south of a straight line drawn from the plantation of Philip Saucier to the bayou of Musquito village, and extended to Pearl river?

(Signed,) R. M. GAINES,
United States Attorney.

Commission and notice waived, and agreed that the depositions may be taken before Wm. Christy, H. B. Cenas, or any other notary in New Orleans, whose name may be inserted with the approbation of Thomas J. Durant, esq.; all legal objections to the competency of the interrogatories and evidence reserved. April 5, 1847.

(Signed,) R. M. GAINES,
United States Attorney.

A.

No. 1.—SENOR GOVERNOR GENERAL:

I, Louis Boisdoré, a citizen of this city, do, with due respect, present myself to your Excellency and say, that wishing to form an establishment and cow-house (cattle raising farm) in the vicinity of the bay of St. Louis, in the place commonly called Achoucoupoulous, for all my family, which is very considerable, as is well known to your Excellency; and, moreover, for the purpose of employing all my negroes on it, and keeping a considerable stock of cattle which I have already on the

place, the place being almost uninhabitable, only fit for a vaqueria (cattle raising farm.) May it please your Excellency, in consideration of what is above explained, and of the benefit that will result to the capital, (city) from such a considerable cattle raising establishment as the one which I have commenced to form in the said place and in the vicinity of said city, to grant to me the portion of ground which is vacant in the said place, (section of country,) known under the name of Achoucoupoulous, running from the plantation of Philip Sauceir up to the bayou called bayou of Musquitto village, formerly inhabited by Mr. (paper torn off) and running in depth down to Pearl river, in order that I may form with facility the aforesaid establishment and cow-house (cattle raising farm) for all my family as aforesaid; a favor which I hope, according to justice, from the granting power which is vested in you. New Orleans, 1st April, 1783.

(Signed,) L. BOISDORE.

New Orleans, 26th April, 1783.

Being satisfied with the well founded reasons expressed above, and with the usefulness and advantage which will result to the capital (city) from the establishment of a cattle raising farm in that section of country, little fit for any cultivation, the surveyor of the province, Dn. Charles Laveau Trudeau, will establish Louis Boisdore upon the extent of ground which he solicits in the foregoing memorial, situated in the section of country commonly called Achoucoupoulous, commencing in front from the plantation belonging to Philip Saucier, a resident of said country, down to the bayou called "Musquitto village bayou," with the depth down to Pearl river; the same being vacant, and no prejudice being caused to the neighbors living as well in front as upon the depth; which measures he will reduce to writing, signing with the aforesaid parties, and will remit the same to me, in order that I may furnish the party interested with a corresponding title in due form.

(Signed,) MIRO.

No. 2 is a power of attorney, by Margaret Doussin, widow Boisdore, to Gilbert Guillemard, lieutenant colonel, residing in Pensacola, to represent her before the proper tribunal, and obtain that the land granted as above, in April, 1783, be measured, and its limits fixed and determined. Said power passed before Stephen de Quinones, notary public, dated February, 1808.

The next document is a petition by Gilbert Guillemard to the intendant general, (governor,) representing that after the grant, in 1783, the suurveyor, on account of his pressing engagements and occupations in surveying other more valuable lands, and the large expense that it would have necessitated, did not fix the delimitations of said grant; notwithstanding which the grantee transferred much cattle on the premises, put a keeper there, who is still living, &c., and petitions to have the lines run and delimitation fixed, &c. 4th April, 1808.

The next is a paper signed by Juan Losala, an officer of the treasury

department, which lays the subject before the governor, Juan Morales, dated 6th April, 1808.

The next is an order of survey, from Morales, governor, to Vincent Pintado, surveyor, 7th April, 1808.

The last is the report of the surveyor, 30th May, 1810.

B.

Copy of Translation.

NEW ORLEANS, *the 26th April*, 1783.

It appearing to me that the grounds and reasons stated by the petitioner are well founded in relation to the ability and advantages which will result to the capital from the establishment of a cowpen in those places which are badly adapted to cultivation, the surveyor of the province, Don Carlos Laveau Tredeau, shall establish Louis Boisdoré on the tract of land which he solicits in the antecedent memorial, situated in the place commonly called Achoucoupoulous, the front thereof to commence from the plantation of Philip Saucier, an inhabitant of said place, and running to the bayou of Muschitoe village, and extending in depth to Pearl river, should the same be vacant, and cause injury to no one of the surrounding settlers, either in the front or depth thereof; whose proceedings shall be made out and signed by him, with the before mentioned persons, and sent to me, to furnish the party interested with a title in form.

(Signed) MIRO.

Extract from the instructions of Vincent Sebastian Pintado, surveyor general of the Spanish government, to a deputy surveyor, dated at Pensacola, the 23d May, 1810:

"The demand of M. L. Boisdoré, sen., is conceived in a manner a little confused in regard to the place; for he says, in his memorandum of the 1st April, 1783, that the land which he claims is on a place called Achoucoupoulou, commencing from Philip Saucier's plantation, as far as the bayou called the Musquito village, formerly inhabited by Madame Lusser, extending back to Pearl river. This description causes sufficient embarrassment in determining the form, or figure, which the land ought to have; however, as he calls the front the distance from Saucier's plantation to the bayou of the Musquito village, the depth as far as Pearl river, cannot be understood only by two lines drawn from the said two last points, so as to strike the said Pearl, that is to say, the easternmost of the three which take this name, and these lines ought naturally to run to the west, one from Saucier's plantation, and the other from Musquito village."

I consent the preceding translations, rendered at the request of the attorney of the United States, of the requette and concession of Louis Boisdoré, may be received as evidence in the suit of the "Heirs of Louis Boisdoré vs. the United States," reserving all proper exceptions to the correctness of the translation.

(Signed) JOHN HENDERSON,
Att'y for Boisdoré heirs.

In the district court, U. S., southern district of Mississippi.

Louis Boisdore's Heirs
vs.
The United States.

Interrogatories to Mr. Ed. Lauve, of the city of New Orleans, whose answers, when obtained, are intended to be read as evidence, on hearing of the above entitled cause on behalf of the United States.

1st. Are you or not well acquainted with the Spanish language, and in the habit of translating legal documents from that language into English?

2d. If you answer the 1st interrogatory affirmatively, please examine the copy of a Spanish grant, dated April 26, 1783, which is given on the first page of this sheet, and translate the same into the English language as correctly as possible, and append the translation to your answer to this interrogatory.

(Signed) R. M. GAINES, *U. S. Att'y.*

Agreed that the deposition of this witness may be taken before Wm. Christy, esq., or H. B. Cenas, esq., notaries public in New Orleans, waiving notice, commission, &c.; and if Mr. Lauve does not translate Spanish, it is further agreed that the name of any other competent person to make the translation may be inserted in lieu of his, provided that Robt. J. Durant, esq., U. S. attorney, at New Orleans, shall approve the substitution. April 5, 1847.

(Signed) R M. GAINES, *U. S. Att'y.*
JOHN HENDERSON,
Att'y for Boisdoré's heirs.

Cross interrogatories.

1st. If you understand the Spanish language, and translate the document presented, please translate the text so as beside showing what you believe to be the meaning intended, show also, in parenthesis, what be other readings of doubtful words and sentences.

2d. Be especially particular to show, by your translation of lines 10 to 15, inclusive, whether the calls of the grant, beginning at Socier's plantation, and extending to bayou Marengouin, is not so expressed in the original, as to imply that this line is the front of the grant; and then, whether the rest of the grant does not imply, in the original, that the quantity of land granted is to be laid off back, or in depth, to Pearl river, from this first line as a front line.

(Signed) JOHN HENDERSON,
Att'y for Boisdoré's heirs.

Copy.

Nueva Orleans, 26 *Abril*, 1783.

1. Constándome las pundadas
2. razones que esta para expone, y respecto á la
3. utilitad, y provechs. que resultará á la capital

4. de establecer una vaquería en aquellos parages,
5. poco aptos para cultivo alguno, el agrimensor de la
6. provincia, Dn. Carlos Laveau Trudeau, establecerá
7. á Dn. Luis Boisdoré sobre la porcion de tierra
8. que solicita en el antecedente memorial, situada
9. en el parage llamado vulgarmente Achoucupulus,
10. formando por el frente de la hacienda de Phelipe
11. Saucier, vecino del dicho parage, hasta el bayou nombrado
12. Bayu de la Alden de Mar [red ink] engorims, con la profundidad
13. hasta el Rio de Pe [red ink] , estando vacante, y no
14. causando perjuicio [red ink] quara. á los circunvecinos, tanto
15. en el frente como en la profundidad, cuyas diligen-
16. cias estenderá á continuacion, firmándolas con los
17. antedichos, y me las remitirá para proeer al
18. interesado del correspondiente título en forma.

"MIRO."

NOTE.—The red ink marks are to designate where in the original the writing has become obliterated by wear.

Depositions of Louis Bringier and Edward Lauve, of the city of New Orleans, and State of Louisiana, taken by me, William Christy, a notary public in and for the city and parish of New Orleans, State of Louisiana aforesaid, on this twenty-ninth day of September, in the year of our Lord one thousand eight hundred and forty-seven, at my office in said city, and to be read in evidence on the trial of a certain suit now pending in the district court of the United States for the district of Mississippi, wherein Louis Boisdoré's heirs are plaintiffs, and the United States is defendant, pursuant to, and by virtue of, the annexed notice or agreement.

The said Louis Bringier, having been first duly cautioned and solemnly sworn by me, said notary, did depose and say, in answer to the annexed interrogatories propounded to him, as follows, to wit:

In answer to the 1st interrogatory deponent says: I am surveyor general of the State of Louisiana, and I am well acquainted with Spanish grants and the principles which govern the surveys of Spanish claims.

In answer to the 2d interrogatory deponent says: I answer in the affirmative, and that such is the general mode.

In answer to the 3d interrogatory deponent says: In the case stated I should first survey the front from point to point, and then run back two lines perpendicular to the front, and parallel to each other, to the natural boundary in the rear.

Cross interrogatories.

In answer to the 1st cross interrogatory deponent says: I have been a surveyor for upwards of thirty years, and surveyor general of the State of Louisiana for more than twenty years, during which period I have had the records of Spanish surveys in my charge, and have had frequent occasions to refer to them and survey lands in conformity to them.

In answer to the 2d cross interrogatory deponent says: Having examined attentively the original order of Governor Miro in the Spanish language, which language I understand, as well as the translations annexed to the interrogations and the instructions of Pintado of the 23d May, 1810, I agree in opinion with said Pintado, as to the mode of running the side lines, which is, in effect, the same mode as I have already indicated in my answer to the 3d interrogatory in chief, with this difference, that the upper side line is a continuation of Saucer's line, which, according to Spanish usage, was probably perpendicular to the front. I think the description of the grant sufficient to enable a surveyor to make an accurate survey of it, provided the land embraced within it was not previously granted.

In answer to the 3d cross interrogatory deponent says: As far as I understand said interrogatory, I answer, that the two points indicated by the grant only indicate the front, and that to give effect to the language used, "with a depth to P. river," it is necessary to run back the side lines to Pearl river, since otherwise the tract would not have the contemplated depth.

In faith of all which I hereunto subscribe my name.

(Signed) L. BRINGIER.

And the said Edward Lauve, having also been first duly cautioned and solemnly sworn by me, said notary, did depose and say, in answer to the annexed interrogatories propounded to him, as follows, to wit:

In answer to the first interrogatory deponent says: Yes.

In answer to the second interrogatory deponent says: That the annexed document, marked Q, is a true translation of said grant.

Cross interrogatories.

In answer to the 1st cross interrogatory deponent says: That there appears to him no words of doubtful meaning.

In answer to the 2d cross interrogatory deponent says: That the translation of the document is viewed by him as an answer to this interrogatory, not thinking himself authorized to give a legal construction to the terms of the grant.

In faith of all which I hereunto subscribe my name.

(Signed) ED. LAUVE.

I, William Christy, a notary public in and for the said city and parish of New Orleans, State of Louisiana, do hereby certify, that Louis Bringier and Edward Lauve were by me sworn to testify the truth, the whole truth, and nothing but the truth, and that the foregoing depositions by them subscribed were reduced to writing by me, and taken at the time and place set forth in the caption hereof.

In faith whereof I grant these presents, under my signature and seal [L. S.] of office, at New Orleans, this 29th day of September, 1847.

(Signed) WM. CHRISTY, *Not. Pub.*

(*Q.—Translation.*)

NEW ORLEANS, *26th April*, 1783.

Considering the sufficient reasons explained to me above, and having regard to the advantage and utility which will result to the capital from the establishment of a cowpen (vagueria) in that section of the country, little suited to any kind of culture, the surveyor of the province, Dn. Carlos Laveau Trudeau, will establish Dn. Louis Boisdoré on the tract of land which he solicits in the preceding memorial, situated in the section of country commonly called Achucupulus, taking as the front from the plantation of Philip Saucier, a resident of said section of country, to the bayou called the bayou of the village of Marengonins, with a depth unto Pe. river, it being vacant, and causing no prejudice to the neighboring inhabitants, as well in front as in depth; which proceedings he will extend in continuation, sign, and forward to me, with the precedings that I may furnish the party interested a title in due form.

MIRO.

LOUIS BOISDORE'S HEIRS
vs.
UNITED STATES.

District court, U. S., for district of Mississippi.

Interrogatories propounded to John B. Toulina and Lewis Daniel, whose answers, when obtained, are intended to be read in evidence, on behalf of the plaintiffs, on trial of the above entitled cause:

Interrogatory 1st to both witnesses. Are you not both well acquainted with the general surface of the land contained in Hancock county?

2d. Please state what is the quality of all the lands lying in said county, as far up north as thirty to forty miles from the southern boundary; and is not nearly all of said lands poor pine woods flats, fit only for grazing grounds; and are not those in the northern part of said county equally flat and valueless as the southern portion? Please describe them fully.

(Signed) JOHN HENDERSON.

Cross Interrogations.

1st. Do you know a point of the bay of St. Louis known as Philip Saucier's plantation; and are you acquainted also with a bayou called the bayou of Musquito village? If so, please state whether or not the lands north of a straight line drawn from one of said points to the other are or not adapted for cultivation, and whether or not the lands south of such a line are badly adapted and unfit for cultivation, and fit only for grazing.

2d. Do you know any thing further material for defendants; if so, state fully.

(Signed) R. M. GAINES, *U. S. Attorney.*

Agreed that the depositions of these witnesses may be taken before Willis Arnold, esq., or the probate judge of Hancock county, waiving

commission and notice, and all technical objections, reserving only objections to competency and sufficiency. March 23, 1847.

(Signed) R. M. GAINES, *U. S. Attorney.*

LOUIS BOISDORE'S HEIRS
vs.
UNITED STATES.

District court, U. S., for the district of Mississippi.

Louis Daniel, being duly sworn, answered to the interrogatories and cross interrogatories hereto annexed as follows, to wit:

Answer to interrogatory 1st. I have some limited knowledge of the lands in Hancock county.

Answer 2. As far as my observation has extended, I find the lands (with some small and very limited exceptions,) to be poor, and low flat pine lands, much cut up with swamps and bay gauls, and unfit for settlement or cultivation, which appears to be mostly and only designed by nature for herdsmen to pasture their cattle on. As to the northern or upper part of the county, I am but little acquainted with the face of the lands, but, as far as has come under my observation, it appeared to be much of a sameness, as above described, viz., adapted for grazing stock, &c.

The southern and lower part along the coast, from the mouth of East Pearl river to the bay of St. Louis, and for miles back, I am well acquainted with the face of the lands, which, with few exceptions of some small points, I find it to be steril, low, flat lands, of pine growth, and much covered over with flat bays and swamps, which extend down to the salt marshes which Lake Borgen are bordered with, from the East Pearl river to the commencement of the bay of St. Louis, which salt marshes afford a winter range for cattle, but not fit for cultivation.

(Signed) LEWIS DANIELL.

Sworn to and subscribed this 21 April, 1847.

(Signed) WILLIS H. ARNOLD, *J. P.* [L. S.]

Cross interrogatories.

Answer to 1st. I have some knowledge as to the locality of Philip Saucier's place, but as to the bayou of Musketo village I cannot say positive as to its locality, though from the general evidences which *has* come under my notice, I am under the impression the Musketo village, or so formerly called, was located on the southwest point of the main land washed by the bayou Bosdore, alias Mulatto bayou, which intersects or empties into East Pearl river, about 1½ miles below said point, and generally known and laid down on the map or plat as Point Bosdore. There was (in 1824, when I first examined these lands) a few acres of cleared land on said point, within 2 or 300 yards of the bayou, which had the appearance of being very anciently cleared and cultivated, and on and in the vicinity of these has been found weeding hoes and axes much worn by use, &c. This old field, I have ever under-

stood, was the first settlement made on the east side of (now called) Mulatto bayou, which was made by Don Louis Bosdore; and my informations are, that in consequence of this said settlement being much infested with musketos, was dubbed or called Musketo village, as I have ever been led to believe was the so called village.

The lands, both north and south of a line drawn from one of said points to the other, are much of a sameness (with a few exceptions) as before described, being mostly adapted for grazing of cattle.

Int. Answer 2d. I know nothing further that I now recollect.

(Signed,) LEWIS DANIELL.

Sworn to and subscribed this 21st day of April, 1847.

(Signed,) WILLIS H. ARNOLD, *J. P.* [L. S.]

LOUIS BOISDORE'S HEIRS
vs.
UNITED STATES.

District court, U. S., for the district of Mississippi.

John B. Touline, being duly sworn, answers as follows to the interrogatories and cross interrogatories hereto annexed:

To interrogatory 1st I answer: Having frequently rode through the county in almost every direction, I am well acquainted with the lands.

To 2d interrogatory I answer: That, with the exception of a very few small tracts on the margin of the lake and Pearl river, all the lands are low flat pine woods, only fit for grazing land. The upper part of the county is also only fit for grazing, with the like exception to small tracts on the margin of the river, &c.; this upper section having more small hammocks, and rather higher in some places.

Cross interrogatories.

To cross interrogatory 1. I do know a point on the bay St. Louis, known on the plats of the land office as Joseph and Marteal Nicarpe's claim. This is the same point formerly known as Philip Saucier's plantation. I know, also, a place formerly called Musketoe village. On the south of a line *of a line* drawn from [one] of those points to the other, the lands are low flat pine lands and salt marshes, having only a few small tracts of hammock adapted to cultivation, and that, on the north of such line, the lands are entirely low flat pine woods, interspersed with swamps and bay gauls, and quite unfit for cultivation.

To 2d cross interrogatory I answer: I do not know anything further material for defendants.

(Signed,) J. B. TOULINE.

Sworn to and subscribed, the 23d April, 1847, before,

(Signed,) WILLIS H. ARNOLD, *J. P.* [L. S.]

BOISDORE'S HEIRS
vs.
THE UNITED STATES.

In the district court of the United States for the district of southern Mississippi, sitting at Jackson.

We, the counsel for the plaintiffs and defendants respectively, agree that the deposition of Elihu Carver, Julius C. Monet, and Samuel White, may be taken, in answer to the interrogatories and cross interrogatories herewith, before Willis Arnold, esq., a justice of the peace at Shieldsborough, in Hancock county, in this State, or before the judge of probate of said county; and which testimony, when taken, may be read in evidence, on hearing of the above entitled case, on behalf of the plaintiffs, without any objection to form and manner of taking the same.

(Signed,) JOHN HENDERSON,
Attorney for complainants.

I consent to the above, with a reservation of objections to the competency of the interrogatories and evidence.

January 12th, 1847.

(Signed,) R. M. GAINES, *U. S. Att'y.*

Interrogatories addressed to both Elihu Carver and Julius C. Monet, witnesses for plaintiff:

1st. Do you or not both reside in Hancock county, and how long have you each resided there?

2d. Are you not both practical surveyors, and, as surveyors, are you not familiar with most of the claims, boundaries, and localities in said county?

3d. Are you or not both well acquainted with the two corners representing the two first calls of the Louis Boisdoré claim; if yea, please state from *from* what point as the beginning, and to what point as the second corner, comprises the front of the claim.

4th. State if the bayou Marangorin is not well known in the county. State what are the common names by which said bayou is now called; is there any other bayou near it of the same name, and is there any doubt or uncertainty of its being the bayou called for as the second corner front of the Boisdoré claim?

5th. Do you not both know, from the general repute of the neighborhood, and from the appearance of the place, that it was on or near this bayou that old Louis Boisdoré's settlement was made?

6th. Is not this settlement included in a survey made of the plantation and residence of Louis Daniel, esq.?

7th. Did you not, both together, execute a survey for 1,280 acres of the Boisdoré claim, including the premises of Louis Daniel, under the supposed authority of the act of Congress of 1830, confirming so much of the Boisdoré claim?

8th. Do you not know that this survey was made wholly at the instance of the said Louis Daniel, or at whose instance was it made?

9th. Do you not know that Valery Nicholas, acting as agent of the Boisdoré heirs, some years previously assumed to sell to the said

Daniell, and to General John Joor and others, large portions of this claim?

10th. Was or not this survey, made by you in 1830, procured to be made by the said Daniell, in order to apply the *the* confirmation, which had been made by the act of Congress of 1830, to so much of the land he had bought as the confirmation would cover? Please state all you know on this subject.

11th. Who paid you for executing this survey?

12th. Does not the bayou, called for as the second corner of the front of the Boisdoré claim, empty into a branch or cut-off of the Pearl river on the western side of the survey you made of this claim in 1830?

13th. When a Spanish concession calls for two points as the front upon a sea shore or water-course, and calls to run in depth (or back) to another water course for quantity, and no course for the side lines are given, what are the courses, according to the Spanish customs of survey, the side lines should be run?

Interrogatories to Samuel White, esq.

1st. Please state the place of your residence, and how long you have resided there?

2d. Do you know the bayou which is commonly reputed the southwestern corner or boundary of the Boisdoré claim? If so, please give its former and its present name. Is there any other near it, called by the same name, so as to render the identity of the bayou uncertain?

3d. State into what water the bayou empties itself; and is or not said bayou to the west of Louis Daniel's settlement and survey?

4th. Is not the old settlement of Louis Boisdoré uniformly reputed to have been on, or near by, the eastern side of said bayou?

5th. Please state anything further you may know, material to the plaintiff, with reference to this southwestern corner or boundary of the Boisdore claim.

(Signed) JOHN HENDERSON,
Atty. for pl'ff.

Cross interrogatories to Elihu Carver and Julius C. Moneth.

1st. Please state your ages respectively, and whether you have any interest, direct or indirect, in this cause.

2d. Can you say that you are acquainted or familiar with the boundaries of a claim which has never been surveyed by any competent authority within your knowledge, and would your answer to the 3d interrogatory be anything more than the expression of your opinions upon the construction of the grant?

3d. Do you, or either of you, know a bayou in Hancock county called "Musquito village bayou," and is that the same with the bayou Marangorin; are there not other bayous in the country called by the same name of "Musquito village bayou?" If so, describe their locality.

4th. If you state that you know the bayou Maranguin, please its locality and its distance from the channel of Pearl river, and from its mouth.

8th. Do you, or either of you, know, of your own knowledge, that the residence of Louis Boisdore, in his lifetime, was on or near this bayou? If there is anything in the appearance of the place to indicate that such was the fact, please state particularly what it is. Did either of you know Louis Boisdoré personally in his lifetime?

6th. If you know any[thing] in relation to the subject matter of the 7th and 8th interrogatories in chief, and if you made such a survey as therein indicated, please state whether you acted in the business as deputy surveyors of the United States; and whether, as such deputies, you took an oath faithfully to discharge your duties as such; and whether you made a written report of your proceedings to the Surveyor General.

7th. Please state whether the sales, or agreement to sell, spoken of in the 9th interrogatory in chief, was in writing; and whether or not there exisits any written or record evidence of it.

8th. Please state the length and depth of the bayou Maranguin, or "Musquito village bayou," or by whatever name it may be called, and its distance from Pearl river; and the distance of Louis Boisdoré's settlement from Pearl river, if you know where his settlement was. If you state that the bayou empties itself into a branch or cut-off of Pearl river, please say what branch or cut-off it is; giving its name, and length, and breadth.

9th. Do you consider yourselves sufficiently informed in regard to the Spanish customs and usages to pronounce upon the construction of a Spanish grant; and have you studied the supposed grant or concession to Louis Boisdoré with [a view] to enable you to express a decided opinion how it ought to be surveyed, if at all?

(Signed) R. M. GAINES, *U. S. Atty.*

Cross interrogatories to Saml. White, esq.

1st. Please state your age, and whether you have any interest, direct or otherwise, in this controversy.

2d. If you answer the 2d interrogatory affirmatively, please state whether there are not other bayous in Hancock county called and known by the same name; and state their locality, length, depth, and where they empty themselves, if at all.

3d. Do you know, of your own knowledge, where the settlement of Louis Boisdore was; did you know him personally in his lifetime? If you say that you know where his settlement was, please state its distance from Pearl river.

(Signed) R. M. GAINES, *U. S. Atty.*

BOISDORE'S HEIRS
vs.
THE UNITED STATES.

Elihu Carver, a witness on behalf of plaintiffs, being sworn to the direct interrogatories propounded to him, answers:

To 1st interrogatory: I reside in the county of Hancock, State of Mississippi, and have resided therein since November, 1812.

2d. I am a practical surveyor, and have been for 35 years; and have been a deputy under the surveyor general south of Tennessee since 1822; and am familiar with most of the claims, boundaries, and localities in Hancock county, having surveyed most of the claims in the said county.

3d. I am well acquainted with the first corner, or starting point, which is the N. W. corner of Philip Saucier's claim, about one and a half miles back of the bay St. Louis, at Shieldsborough; I do not know any other corner other than the one made by the bayou village Maringonin; I once made a plat for that claim for Valery Nicholas, terminating on Pearl river, near the lower end of Gaines' bluff, at a bayou entering there.

4th. The place called Musquito village, or village Maringonin, is on the now plantation of Judge Daniel, on or near a large bayou now called Mulatto bayou; I know of no other place in the county called Maringonin; I am not, however, sufficiently acquainted with the Boisdore claim to say positively whether it is the second front corner of said claim.

5th. In 1814 and 1815, I was in company with the cow hunters, the old inhabitants of the county, at the place on Mulatto bayou which was then called Maringoin village; and, by those old inhabitants, frequently heard this old improvement called Boisdore's cowpens; there was then another place, in less than a mile, where yet a person cultivated a small field on the E. of the said bayou, who I then understood to be a stock-keeper for Louis Boisdoré; this last place was on the land now owned by Mr. F. Saussier.

6th. The old cowpens were on the place now owned by Lewis Daniell; the field then cultivated was on the land now claimed by Mr. Saussier.

7th I did, assisted by J. C. Monet, make the survey asked, including 1,280 acres, which is partly on the plantation of Louis Daniell and partly on the plantation of F. Saussier.

8th. I got the order of survey for this claim, amongst several others, at the land office in Augusta; and made the survey as a part of my duties as U. S. deputy surveyor.

9th. I do; for I surveyed the tracts so purchased for L. Daniell, F. Saucier, J. Joor, and others.

10th. I am not aware that the survey of 1830 was procured, or made, at the instance of Mr. Daniell; all I can further say in answer to this is said in my answer to the 8th interrogatory.

11th. I have not yet been paid at all; I look, however, alone to the U. S. for pay.

12th. Mulatto bayou empties into the cut-off; and the cut-off forms part of the southern, and Mulatto bayou part of the western, boundary of the survey made in 1830.

13th. I should run from one of the first points back to the water-course, then traverse that water-course a distance equal to the front given; thence direct to the last point in the front.

(Signed) ELIHU CARVER.

Sworn to and subscribed, this 4th day of February, 1847.
(Signed) WILLIS H. ARNOLD, [L. S.]
Justice of the Peace.

BOISDORE'S HEIRS,
vs.
THE UNITED STATES.

Elihu Carver, a witness on behalf of the plaintiffs, being sworn to the cross interrogatories propounded to him, answers:

To cross interrogatory 1st. I was 70 years old on the 6th January last. I am not interested other than that I have an interest in a donation claim of 640 acres, granted, confirmed, and located by the United States for Mad. Morin, within the tract claimed by the Boisdore heirs, yet I do not feel either directly or indirectly interested in the determination of this suit.

2. I am not otherwise acquainted with the boundaries, only as I have stated in my answer to the 3d direct interrogatory, by making the plot therein mentioned, which was made from the public land surveys then in my possession.

3. I have never heard any bayou in Hancock county called bayou Maringnin, except only the bayou now usually called Mulatto bayou, which runs near the place called Maringnin or Musketo village.

4. Having already stated that I am acquainted with Maringnin village, on Mulatto bayou, and having stated its locality, I cannot state its distance from the mouth of Pearl river, but should say it is about 1½ miles to that river at the nearest point.

5. This interrogatory is answered in my answer to the 5th direct interrogatory, only that I never saw Louis Boisdoré.

6. I did make the survey of the 1,280 acres, as stated n my answers to 7 and 8 direct interrogatories, being then a deputy, as stated and under oath, and did make a due return thereof.

7. I do not recollect having seen either the deed or the record.

8. Mulatto bayou, in its windings, is 6 or 7 miles long, navigable for the common vessels used in the navigation of the lake trade; is connected with East Pearl by the cut-off, which cut-off is about one mile long from Pearl river to Mulatto bayou. Mulatto empties into Pearl river, about four miles below its connection with the cut-off. Musketo village is about half a mile from Mulatto bayou, and about one and a half miles from Pearl river.

9. I do not pretend to be sufficiently acquainted with the Spanish customs and usages to pronounce upon the claim referred to, and know nothing of the claim except what I have stated as to the starting point, &c., in my answers to direct interrogatories; yet I have surveyed many Spanish claims, and, except one, I never found the boundaries all round.

(Signed) ELIHU CARVER.

Sworn to and subscribed, 8th February, 1847, before me.
(Signed) WILLIS H. ARNOLD, [L. S.]
Justice of the Peace.

2d. I am a practical surveyor, and have been for 35 years; and have been a deputy under the surveyor general south of Tennessee since 1822; and am familiar with most of the claims, boundaries, and localities in Hancock county, having surveyed most of the claims in the said county.

3d. I am well acquainted with the first corner, or starting point, which is the N. W. corner of Philip Saucier's claim, about one and a half miles back of the bay St. Louis, at Shieldsborough; I do not know any other corner other than the one made by the bayou village Maringonin; I once made a plat for that claim for Valery Nicholas, terminating on Pearl river, near the lower end of Gaines' bluff, at a bayou entering there.

4th. The place called Musquito village, or village Maringonin, is on the now plantation of Judge Daniel, on or near a large bayou now called Mulatto bayou; I know of no other place in the county called Maringonin; I am not, however, sufficiently acquainted with the Boisdore claim to say positively whether it is the second front corner of said claim.

5th. In 1814 and 1815, I was in company with the cow hunters, the old inhabitants of the county, at the place on Mulatto bayou which was then called Maringoin village; and, by those old inhabitants, frequently heard this old improvement called Boisdore's cowpens; there was then another place, in less than a mile, where yet a person cultivated a small field on the E. of the said bayou, who I then understood to be a stock-keeper for Louis Boisdoré; this last place was on the land now owned by Mr. F. Saussier.

6th. The old cowpens were on the place now owned by Lewis Daniell; the field then cultivated was on the land now claimed by Mr. Saussier.

7th I did, assisted by J. C. Monet, make the survey asked, including 1,280 acres, which is partly on the plantation of Louis Daniell and partly on the plantation of F. Saussier.

8th. I got the order of survey for this claim, amongst several others, at the land office in Augusta; and made the survey as a part of my duties as U. S. deputy surveyor.

9th. I do; for I surveyed the tracts so purchased for L. Daniell, F. Saucier, J. Joor, and others.

10th. I am not aware that the survey of 1830 was procured, or made, at the instance of Mr. Daniell; all I can further say in answer to this is said in my answer to the 8th interrogatory.

11th. I have not yet been paid at all; I look, however, alone to the U. S. for pay.

12th. Mulatto bayou empties into the cut-off; and the cut-off forms part of the southern, and Mulatto bayou part of the western, boundary of the survey made in 1830.

13th. I should run from one of the first points back to the water-course, then traverse that water-course a distance equal to the front given; thence direct to the last point in the front.

(Signed) ELIHU CARVER.

Sworn to and subscribed, this 4th day of February, 1847.
(Signed) WILLIS H. ARNOLD, [L. S.]
Justice of the Peace.

BOISDORE'S HEIRS,
vs.
THE UNITED STATES.

Elihu Carver, a witness on behalf of the plaintiffs, being sworn to the cross interrogatories propounded to him, answers:

To cross interrogatory 1st. I was 70 years old on the 6th January last. I am not interested other than that I have an interest in a donation claim of 640 acres, granted, confirmed, and located by the United States for Mad. Morin, within the tract claimed by the Boisdore heirs, yet I do not feel either directly or indirectly interested in the determination of this suit.

2. I am not otherwise acquainted with the boundaries, only as I have stated in my answer to the 3d direct interrogatory, by making the plot therein mentioned, which was made from the public land surveys then in my possession.

3. I have never heard any bayou in Hancock county called bayou Maringnin, except only the bayou now usually called Mulatto bayou, which runs near the place called Maringnin or Musketo village.

4. Having already stated that I am acquainted with Maringnin village, on Mulatto bayou, and having stated its locality, I cannot state its distance from the mouth of Pearl river, but should say it is about 1½ miles to that river at the nearest point.

5. This interrogatory is answered in my answer to the 5th direct interrogatory, only that I never saw Louis Boisdoré.

6. I did make the survey of the 1,280 acres, as stated n my answers to 7 and 8 direct interrogatories, being then a deputy, as stated and under oath, and did make a due return thereof.

7. I do not recollect having seen either the deed or the record.

8. Mulatto bayou, in its windings, is 6 or 7 miles long, navigable for the common vessels used in the navigation of the lake trade; is connected with East Pearl by the cut-off, which cut-off is about one mile long from Pearl river to Mulatto bayou. Mulatto empties into Pearl river, about four miles below its connection with the cut-off. Musketo village is about half a mile from Mulatto bayou, and about one and a half miles from Pearl river.

9. I do not pretend to be sufficiently acquainted with the Spanish customs and usages to pronounce upon the claim referred to, and know nothing of the claim except what I have stated as to the starting point, &c., in my answers to direct interrogatories; yet I have surveyed many Spanish claims, and, except one, I never found the boundaries all round.

(Signed) ELIHU CARVER.

Sworn to and subscribed, 8th February, 1847, before me.
(Signed) WILLIS H. ARNOLD, [L. S.]
Justice of the Peace.

BOISDORE'S HEIRS
vs.
UNITED STATES.

Julius C. Monet, a witness in behalf of plaintiff, being sworn to the direct interrogatories propounded to him, answers:

To the 1st interrogatory. I reside in the county of Hancock, State of Mississippi, and have resided therein since 1818.

2d. I am a practical surveyor, at present a deputy under the surveyor general south of Tennessee, and as such I am acquainted with most of the land claims, boundaries, localities, in said county, having surveyed a considerable number of the private claims, and other public surveys within the same.

3d. I do not know that I understand this interrogatory fully, but I am acquainted with the corner of the claim of the heirs of Boisdoré, at or near Shieldsborough, which is the corner of the claim formerly of Philip Saucier, and now of Joseph and Martial Nicaire. I do not know any other corner other than the one made by the bayou village Maringonin; the one on Pearl river I am entirely unacquainted with.

4th. The bayou Maringorin is well known in this county, although for many years it has been called only the Mulatto bayou. The Musquito village, or village Maringonin, is a point which makes on said bayou somewhere near the original improvement of Louis Boisdore. There is no other bayou in this county known by a similar name or names. The only one known by the name of bayou village Maringonin, or Mulatto bayou, forms the southwest boundary of the land claimed by the representatives of Boisdoré, the head of which makes one of the corners designated in the title papers of said claim.

5th. I have been at a place which bears some marks of an ancient habitation, and which was pointed out by some of the old inhabitants as the original improvements of Louis Boisdoré, and which lies on the eastern bank of said bayou.

6th. That old improvement is included within the survey made in 1830, by E. Carver and myself, of 1,280 acres; but I do not know whether it is on the land claimed by Lewis Daniell, or on the land claimed by Francis Saucier, but I think it is within the claim of the latter.

7th. In the year 1830 I held no appointment as deputy surveyor, but at the request of Elihu Carver I assisted him in making that survey for the heirs or representatives of Louis Boisdoré, which survey includes the premises of Lewis Daniell and Francois Saucier, under a certificate and warrant of survey (which bears the numbers following, warrant No. 695, certificate No. 4, claim No. 4, of report No. 3,) issued by the commissioners of the land office at Augusta, (Mi.) under an act of Congress confirming the claim of the heirs of Boisdore to 1280 acres.

8th. I do not know that Mr. Daniell ever requested the survey to be made, or that it was made at the instance of any person in particular.

9th. I knew Valery Nicholas in his lifetime, and seen him and Noel Jourdan act as agents of the heirs of Louis Boisdore frequently, and I

know that as such they sold to John Joor, Francois Saucier and Lewis Daniell considerable quantity of the lands lying within said claim.

10th. In answer to the 8th interrogatory I have already stated that I did not know that the survey made in 1830 was made at the instance or request of any person. This I know in reference to it, that some time in 1830 Elihu Carver returned from the land office at Augusta, having in his possession a considerable number of certificates and warrants of survey, respecting private claims in this county, which surveys he was instructed to make immediately, and return to the surveyor general at Jackson; he requested me to assist him in making those surveys, among them, the survey of the claim of Louis Boisdoré's heirs; accordingly, some time in the month of October or November, 1830, we went together to survey the claim of the heirs of Boisdoré, and made the same according to the instructions contained in the warrant of survey, which were in these words, or to this effect, to be surveyed in the most compact manner, including the original improvements. For the purpose of making that survey we went to the house of Lewis Daniell, at which we remained until it was finished; in running the 1280 acres, so as to include the whole of the purchase of F. Saucier, and only a part of Lewis Daniell, I do not know that we followed the request of any one of them. The returns of the survey were made to the then surveyor general at Jackson, (Mi.)

11th. I do not know that any payment, other than the one made by the surveyor general for the United States, has ever been made by any person whomsoever.

12th. The bayou call for as the 2d corner of the front of the Boisdoré claim, empties in the East Pearl river, and has two outlets, one about two miles from the eastmost mouth of Pearl river, and the other about three miles higher up on said river, and lies on the southwest of the survey made in 1830

13. I cannot say what is the Spanish customs of surveying, but from the method I have seen in some of their surveys, when two points are given and calls to run to another unknown, they generally have gone a direct course to the nearest point on the water-course where the third point is sought, and then in a direct line to the first point given.

(Signed) J. C. MONET.

Sworn to and subscribed before me this 29th day of January, A. D. 1847.

(Signed) WILLIS H. ARNOLD, [L. S.]
Justice of the peace.

Supplemental answer of J. C. Monet to the 13th direct interrogatory.

Since my first answer to the said 13th direct interrogatory, I have discovered that I had misunderstood said interrogatory, and accordingly my answer was not made in accordance with its meaning, which I now amend in this supplemental answer, as follows, to wit:

That when a Spanish concession calls for two points as a front, which are given, and call to run aback to another water-cause for quantity,

and no course for the side line given, I should run or *drawn* a direct line from the first point given to the second, then run a line at right angle with the first line drawn, to the water-course required; thence run at right angle with the first side line, a distance equal to the line drawn between the two points given, and from thence run a line parallel with the first side line, to the place of departure, or rather to the first point given.

(Signed) J. C. MONET.

Sworn and subscribed before me this 11th day of March, 1847.

(Signed) WILLIS H. ARNOLD, *J. P.* [L. S.]

Julius C. Monet, a witness on the part of plaintiffs, being sworn to the cross interrogatories propounded to him, answers:

To the 1st cross interrogatory. I am forty-three years of age, and have no interest either direct or indirect in this cause.

2d. I would not pretent to say that I am acquainted with the artificial boundaries of an unsurveyed claim, but I can say that I know the natural boundaries of the claim of Boisdoré, such as the sea coast, a river, a bayou, and the corner of a surveyed claim. I do not know if the Boisdoré claim was ever surveyed at all by any one excepting in 1830; and in answer to the 3d direct interrogatory, I have stated what I knew of my own knowledge of the corners specified in the grant, and did not express my opinion of its construction.

3d. I know in Hancock county a bayou which was formerly called bayou village Maringonin, or Musquito Village bayou, and which is now called Mulatto bayou, and there is in this county no other bayou known by either of those names.

4th. Bayou village Maringonin empties into East Pearl river, about two miles from its eastmost mouth, and has another outlet in the same river about three miles higher up, and runs about from one quarter of [a] mile to a mile and a half east of said river, until it reaches its second outlet, when it runs further to northeast, some three or four miles distant from said river, and has several branches.

5th. I do not know, of my own knowledge, that Louis Boisdoré ever, during his lifetime, resided at or near said bayou; all I know respecting it is by tradition, and by having had pointed out to me, several years ago, a place on the eastern bank of said bayou, where there had been a clearing many years previous, and some old pieces of post still standing in the ground, which I was told were a part of the improvement made by Louis Boisdoré. I do not know whether he ever resided there himself personally. I never knew Boisdore; he was, I believe, dead before I came to this country.

6th. In my answers to the 7th and 8th direct interrogatories, I have stated fully in what capacity I assisted in the survey of 1830.

7th. The sales spoken of in the 9th direct interrogatory were in writing, and I believe are on record in this county; but of this last I am not positive.

8th. Bayou Maringouin, alias Musquito village, alias Mulatto bayou,

is a small stream running through Marshy bank, sometimes in a northwest direction, and sometime in a northeast direction, about 8 or 9 miles back in the pine woods, and is navigable for schooners, steamboats, and other water craft, as used in navigating the lakes and coast, *as* is about [an] hundred and fifty feet wide at its greatest breadth, and about twenty at its narrowest part which is navigable, and has a depth which varies from eight to twenty feet. The Boisdore settlement is on the eastern bank, about two miles east from Pearl river, and about two or three miles up said bayou, which empties in the eastmost branch of Pearl river, about two miles above its mouth; which river, at that place, is about three hundred feet, or more, wide, and runs up some seven or eight hundred miles, in a N. W. direction.

9th. Although, perhaps, I may not be sufficiently informed in regard to Spanish customs and usages for many purposes, yet I can construe a Spanish grant; and although I have not studied the grant or concession of Boisdoré, with a view to express a decided opinion as to the manner it ought to be surveyed, yet I have had the papers belonging to that claim in my hands sufficiently to know what they contained, and what they meant, and what were the boundaries contained therein; but I have never yet gave a thought as to the manner it ought to be surveyed.

(Signed) J. C. MONET.

Sworn to and subscribed before me, this 29th day of January, A. D. 1847.

(Signed) WILLIS H. ARNOLD,
Justice of Peace.

BOISDORE'S heirs,
vs.
The UNITED STATES,

Answers made by Samuel White to the direct and cross interrogatories in this suit.

1. My residence is on the northernmost branch of Mulatto bayou; I have resided here about ten years, and in the county of Hancock (with the exception of about two years and half temporary absence) going on twenty-seven years.

2. I know this bayou, and all the considerable branches *branches* thereof; its present name is Mulatto bayou; it was known by this name as long ago as 1820 or '21. It took its name, as I always understood, from the mulatto man who lived somewhere near what was formerly called point Boisdoré, and who was stationed there to take care of the stock of Louis Boisdoré. I cannot say, of my own knowledge, what this bayou was called previously to its present name; but I have heard it from quite a number of the old residents of this county, that it was formerly known as the bayou of Muschito village. I know of no other bayou in this county by either of the names by which this bayou is, or has been, known; that is, by the names of Mulatto bayou, or the bayou of the Muschitoe village.

3. This bayou passes on the western side of Lewis Daniell's plantation. The settlement that was formerly made near the said point Boisdoré, was on the eastern side of the bayou. I was on the place about the year 1823, and saw the traces of an old settlement; there was no suitable locality on the western side of the bayou, being bounded by a low marsh for several miles from its junction with Pearl river.

4. The settlement of Boisdoré was, as I was informed, on the eastern side of the bayou; and, as I have above stated, the traces of the settlement, which I was told was his, were visible in 1823; and, as before stated, the west side of the bayou is impracticable for a settlement, being a low marsh, till a point, called point Gustin, is reached in ascending the bayou, which is three or four miles from its embouchure into Pearl river; and on this point there never was a settlement of any kind, or I never heard of any such, nor was there any appearance of a former settlement upon it.

No. 1.—Map from L. office, showing the situation of Phil. Sociers' land at Achoucoupoulous.

[For plat, see original, page 112.]

MARTIAL AND JOSEPH NICAIRE.

The survey of warrant No. 121, certificate No. 11, claim No. 22, report No. 3. Beginning at the S. E corner of Madam Charlo's claim, on the sea beach, at a cypress tree; thence S. 46° W., 23.50 chains + a branch; 62.50 + a branch, 64.73 chains, to post on sea beach, no tree near; thence N. 70 W., 12 chains, + a branch, thus —— N. E. 25.13 chains to range line between T. 8, R. 13, and T. 8, R. 14, 8.94 chains, N. of township corner, 38.50 chains to bay gall.; 57 chains lift same N. and S.; 70 chains + a branch thus, —— N. E., 101.57 chs. to a post; bearing trees, pine N. 17° E., 50 L., marked ×××; pine S. 49° E., 46 L., marked ×××, poor level pine land; thence N. 20° E., 58.18 chains, set a post, from whence a pine bears N. 35° W., 38 L., marked ×××, poor level pine land; thence S. 70° E., 18.57 chains, to post, corner to Madam Charlo's claim; thence along the south boundary of said claim to the place of beginning.

April 21, 1824.

Surveyed by ELIHU CARVER,
U. S. Deputy Surveyor.

SURVEYOR'S OFFICE, JACKSON, MI.,
November 4, 1847.

I certify that the above diagram and field notes of the claim of M. and J. Nicaire are correctly copied from the original papers on file.

Signed, C. A. BRADFORD,
Surveyor south of Tennessee.

6th. I can say nothing further.

Signed, SAMUEL WHITE.

Sworn to and subscribed, 18th February, 1847.

Signed, WILLIS H. ARNOLD, *J. P.* [L. S.]

To the cross interrogatories.

1. My age is about 50 years. I am not aware of any interest that I have in the result of this suit.

2. I have never heard of any bayou in this section of the country by the name of Mulatto bayou, or the bayou of the Muscheto village, except this.

3. I do not know of my own knowledge where the settlement of Boisdoré was, but only in such manner as I have answered in the direct interrogatories. I did not know him (Boisdoré) personally, in his lifetime. The settlement which called his was about two miles from Pearl river.

Signed, SAMUEL WHITE.

Sworn to and subscribed, the 18th February, 1847.

Signed, WILLIS H. ARNOLD, *J. P.* [L. S.]

HEIRS OF BOISDORE
vs.
THE UNITED STATES.

Interrogatories to A. B. Ludlow, of Mississippi city, whose deposition will be offered as evidence on the hearing of the above case on behalf of the defendants:

Interrogatory 1. Are you a practical surveyor, and have you held the office of surveyor general at Jackson?

Interrogatory 2d. Please look at the annexed copy of a concession or order of survey of Governor Miro to Louis Boisdoré, dated April 26th, 1783, and state whether, in your opinion, it is sufficiently certain to admit of being surveyed at all, and if so, how in your opinion the survey ought to be made? Look at the annexed extract from the instructions of Pintado, the Spanish surveyor general, and if you think it can be surveyed, say how far you agree with him as to the mode of surveying it.

Interrogatory 3d. If you know anything farther material for defendants, please state it.

Signed, R. M. GAINES, *U. S. Attorney.*

Cross interrogatories to A. B. Ludlow.

Interrogatory 1. When in a grant two points are given as the admeasurement of the front, and a call to run back for its depth to a well known existing and practical water boundary, can there be any difficulty in surveying such a grant? And, if any, please explain it particularly.

2d. When two points are given for the front of a grant, which front is a water boundary of a jagged and irregular line, does the circumstance cause any difficulty in making a theoretic base line between the two front corners by which to establish the side lines, when no course for the side lines are given, and how would you do this?

3d. Is not the rule uniform that, in surveying a grant which has two points for its front, and its rear is prescribed either by a water-course or a given distance, but no course for the side lines indicated, that these sides are found in a perpendicular to a straight line run between the two points given as the front? If there be any exception to this rule, then state if such exception is found in the grant filed with defendants' interrogatories herein?

4th. When, as in this grant, the first front corner called for is upon the sea shore, and the second front corner called for is a bayou, which empties itself into the waters of the Pearl river, which river in a short distance thence disembogues into the sea, is it not the fair and practical interpretation of such a grant, that its second corner is at the mouth of the bayou called for?

5th. Does not a grant having its two front corners given on a water boundary carry in the grant all the jagged projections found in front of a straight line drawn from one front corner to the other?

6th. Do you or not reside near the tract of land located as the Boisdoré claim, and how near do you reside from its beginning corner?

7th. Are you not familiar with the bearings of the coast which constitutes the front of said claim, and the geography of the country which comprises the claim; and from such knowledge of it, is there any material difficulty in surveying and laying off the claim according to the calls given it with defendants' interrogatories?

8th. Please look on Latour's map of the State of Mississippi, and describe, with reference to such localities as are marked on said map, the 1st and 2d corners, and the front boundary of said claim.

(Signed) JOHN HENDERSON,
Att'y for Compts.

L. Boisdoré.

NEW ORLEANS, *26th April*, 1783.

It appearing to me that the grounds and reasons stated by the petitioner are well founded in relation to the utility and advantage which will result to the capital from the establishment of a cowpen in those places which are badly adapted to cultivation, the surveyor of the province, Don Carlos Laveau Trudeau, shall establish Louis Boisdore on the tract of land which he solicits in the antecedent memorial, situated in the place commonly called "Achoucoupoula;" the front thereof to commence from the plantation of Philip Saucier, an inhabitant of said place, and running to the bayou of Musquito village, and extending in depth to Pearl river, should the same be vacant and cause injury to no one of the surrounding settlers, either in front or depth thereof; whose proceedings shall be made out and signed by him, with the be-

fore mentioned persons, and sent to me to furnish the party interested with a title in form.

"MIRO,"
Sr. Intendant General.

Extract from the instructions of Pintado.

"The demand of M. L. Boisdore, senr., is conceived in a manner a little confused in regard to the place; for he says, in his memorandum of the 1st April, 1783, that the land which he claims is on a place called Choucoupoulou, commencing from Philip Saucier's plantation, as far as the bayou called Musquito village, formerly inhabited by Madam Lussu, extending back to Pearl river. This description causes sufficient embarrassment in determining the form or figure which the land ought to have; however, as he calls the front the distance from Saucer's plantation to the bayou of the Musquito village, the depth, as far as Pearl river, cannot be understood only by two lines drawn from said two last points so as to strike the said Pearl river, that is to say, the easternmost of the three which take this name, and these lines ought naturally to run to the west, one from Saucier's plantation, and the other from Musquito village. The little sketch (croquis) annexed, will give you a clearer idea. Though there is no geometrical precision, it approaches, notwithstanding, to the figure of the place. You will send it back to me when you have finished the business."

Answer to interrogatory 1st: I am a practical surveyor, and have held the office of surveyor general for the district south of Tennessee.

Answer to interrogatory 2d: I have examined the order of survey of Govr. Miro to Louis Boisdore, dated April 26th, 1783, and believe the survey to be practicable, provided the plantation of Philip Saucier and the bayou of Musquito village can be identified; and believe the survey should be made by finding a straight line between the above mentioned points and raising perpendiculars upon said line, at its extremities extending back to Pearl river; provided there are no controlling circumstances to give direction to the side lines, such as adjoining claims, &c. The instructions of the surveyor general, "Pintado," are clearly erroneous, as they, if followed, would give no side line on the west.

Answer to interrogatory 3d: I know of nothing further that would be of advantage to defendants.

(Signed) B. A. LUDLOW.

Sworn and subscribed to before me, this 16th day of October, 1847.
(Signed) JOHN BRILL, *J. P.* [L. S.]

Answers to cross interrogatories of plaintiffs.

Answer to interrogatory 1st: In answer to this interrogatory I have to state, that there would be no difficulty "generally" in making such a survey, although difficulties might arise in giving the proper direction to the side lines, by water-courses or adjoining claims.

Answer to interrogatory 2d: When two points are given as the front of a survey, as a water-course, and the side lines not defined, a theoretic

base line can be found, by a straight line between the two front points; and perpendiculars raised upon the extr·mities of said base line would be the general mode of ascertaining the side lines of said survey; exceptions to this rule does sometimes occur, by water-courses or the lines of other claims causing a deviation from said course.

Answer to interrogatory 3d: It is a general "not uniform" rule, that the side lines of a survey, (having two given points for its front on a water-course,) to find those side lines by perpendiculars upon the base line or line giving said front points, and running back to the water-course or other back line called for.

Answer to interrogatory 4th: In answer to this interrogatory I have to state, that I should deem the mouth of the bayou, where it empties into Pearl river, as the second corner of said survey; the plantation of Philip Saucier being the first corner.

Answer to interrogatory 5th: Where a grant has two front corners given on a water-course, all the land between a straight line, between those two corners and the water-course, would of course belong to said grant.

Answer to interrogatory 6th: My present residence is at Mississippi city, about twenty miles from the village of Shieldsborough, adjacent to the beginning of said survey.

Answer to interrogatory 7th: I am familiar with the bearings of the sea shore which constitutes the front of the Boisdore claim; with the geography of the country, back from the sea, in this particular neighborhood, I am not familiar; but, from my general knowledge of the country, I can see no material difficulty in making the survey of the claim, provided the plantation of Philip Saucier and the bayou of Musquito village can be identified.

Answer to interrogatory 8th: From an examination of the map of Mississippi, by John La Tousette, I am unable to fix the 1st and 2d corners of said claim, there being no such bayou as that of Musquito village designated upon said map. Nor am I sufficiently acquainted with the bayous putting into the gulf or Pearl river, to state which is probably the bayou called for in the grant; as to the location of the plantation of Philip Saucier, I am entirely in ignorance.

(Signed) B. A. LUDLOW.

Sworn and subscribed to before me, this 16th day of October, 1847.

(Signed) JOHN BRILL, *J. P.* [SEAL.]

HEIRS OF BOISDORE
vs.
THE UNITED STATES.

District court, U. S., southern district Mississippi.

Interrogatories to be propounded to Alexander Downing, now in the city of Louisville, Ky., late surveyor general of public lands at Jackson, Mississippi, whose deposition, when obtained, will be read in the above stated case on behalf of defendants.

Interrogatory 1st. Are you or not a practical surveyor; and have you or not held the office of surveyor general at Jackson; and are you or

not acquainted with the surveying of Spanish grants of lands on the Gulf of Mexico in the State of Mississippi?

Interrogatory 2d. Please look at the annexed copy of the translation of a grant or concession, or order of survey, of Gov. Miro to Louis Boisdoré, dated April 26th, 1783, and the extract from the official instructions of Pintado in regard to it, and state whether in your opinion any survey whatever can be made of the same from its terms—that is, whether it is or not so uncertain on its face that no survey can be made with any approach to accuracy. If you think it could be surveyed, please state how you would do it. Would you adopt the views of the Spanish surveyor general, Pintado, or adopt some plan? And, if the latter, state what the mode would be.

Interrogatory 3d. If you know anything further material for defendants, please state it fully.

(Signed) R. M. GAINES, *U. S. att'y.*

Cross interrogatories propounded to Alexander Downing.

1st. When in a grant two points are given as the admeasurement of the front, and a call to run back for its depth to a well known existing and practical water boundary, can there be any difficulty in surveying such a grant? And, if any, please explain it particularly.

2d. When two points are given for the front of a grant, which front is a water boundary of a jagged and irregular line, does the circumstance cause any difficulty in making a theoretic base line between the two front corners by which to establish the side lines, when no course for the side lines are given?

3d. Is not the rule uniform that, in surveying a grant which has two points given for its front, and its rear is prescribed either by a water-course or a given distance, but no course for the side lines indicated, that the side lines are to be found in such case by lines perpendicular to a straight line run between the two points given as the front corners? If there be any exception to this rule, state if any such exception arises in the grant filed with defendant's interrogations herein.

4th. When (as in this grant) the first front corner called for is upon the sea shore, and the second front corner called for is a bayou which empties itself into the waters of the Pearl river, which river in a short distance thence disembogues into the same sea, is it not the fair and practical interpretation of such a grant that its second corner is at the mouth of the bayou called for?

5th. Does not a grant, having its two front corners given on a water boundary, carry in the grant all the jagged projections found in front of a straight line drawn from one front corner to the other?

(Signed) JOHN HENDERSON,
Sol. for complainants.

I consent the deposition in this case may be taken before the mayor of Louisville, Ky., or before any other magisterial officer of any of the United States.

(Signed) JOHN HENDERSON,
Sol. for complainants.

"*L. Boisdoré.*"

NEW ORLEANS, *26th April*, 1783.

It appearing to me that the grounds and reasons stated by the petitioner are well founded, in relation to the utility and advantages which will result to the capital from the establishment of a cowpen in those places which are badly adapted to cultivation, the surveyor of the province, Don Carlos Laveau Trudeau, shall establish Louis Boisdore on the tract of land which he solicits, commonly called Achoucoupoula; the front thereof to commence from the plantation of Philip Saucier, an inhabitant of said place, and running to the bayou of the Musquito village, and extending in depth to Pearl river, should the same be vacant, and cause injury to no one of the surrounding settlers, either in the front or in the depth thereof; whose proceedings shall be made out and signed by him, with the before mentioned persons, and sent to me to furnish the party interested with a title in form.

"MIRO."

SR. INTENDANT GENERAL.

Extract from the instructions of Pintado.

The demand of Mr. L. Boisdoré, snr., is conceived in a manner a little confused in regard to the place; for he says, in his memorandum of the 1st April, 1783, that the land which he claims is on a place called Choucoupoulou, commencing from Philip Saucier's plantation, as far as the bayou called the Musquito village, formerly inhabited by Madam Lusset, extending back to Pearl river. This description causes sufficient embarrassment in determining the form or figure which the land ought to have; however, as he calls the front the distance from Saucier's plantation to the bayou of the Musquito village, the depth as far as Pearl river cannot be understood only by lines drawn from the last said two points, so as to strike the said Pearl river, that is to say, the eastermost of the three which take this name; and these lines ought naturally to run to the west, one from Saucier's plantation and the other from Musquito village. The little sketch (croquis) annexed will give you a clearer idea. Though there is no geometrical precision, it approaches, notwithstanding, to the figure of the place. You will send it back to me when you have finished the business.

Answer to 1st interrogatory: I have been for many years a practical surveyor; I have held the office of surveyor general of the public lands in the State of Mississippi; I have, while a practical surveyor, surveyed many Spanish grants, and, while acting as surveyor general, have given instructions to deputy surveyors, who have surveyed quite a number of Spanish grants on and adjacent to the Gulf of Mexico, in the State of Mississippi.

Answer to 2d interrogatory: The phrase in the grant to Louis Boisdore, "the front thereof to commence from the plantation of Philip Saucier," "and running to the bayou of the Musquito village," is not

sufficiently definite to enable a surveyor to fix upon a beginning point or corner; both the beginning point and the front line seem to be left to the discretion of the surveyor, and it is questionable whether any two surveyors would settle upon the same point for a beginning. I certainly could not adopt the views of Pintado, the Spanish surveyor general, for, in the diagram filed in this case, and to which he refers in his instructions, he places what should be the most eastwardly front corner on the back line of the Saucier plantation; this seems to be his understanding of the word *from*, in the grant. A line from this point to the mouth of the Musquito village would form a base, from each end of which the side lines should run at right angles; or, in other words, the side lines of a Spanish grant, when the course or quantity is not given or particularly specified, shall run "as near as practicable" at right angles from the front or shore. This has been the practice on bayous and rivers, as well as on the sea shore. In the present case, a line run from the mouth of the bayou of the Musquito village, at right angles from a base line between the front corners, would apparently, for several miles, range close along and parallel with the east margin of Pearl river, and consequently conflict with the uniform practice of the location and survey of grants upon all navigable streams and shores. Upon the whole, I think the calls of the grant in question so indefinite that no two surveyors, having regard to the usages governing in surveys of Spanish grants, would coincide in the survey of it as to form, quantity, &c.

Answer to 3d interrogatory: I know of nothing more that it is material for me to say.

Answer to 1st cross interrogatory: There would be no difficulty in surveying such a grant.

Answer to 2d cross interrogatory: In the case proposed there is no difficulty; the side lines should run at right angles from the water-course, or from a base line extending from one front corner to the other.

Answer to 3d cross interrogatory: This question has been answered. See answer to 2d interrogatory of defendant.

Answer to 4th cross interrogatory: One of the difficulties in executing the survey of the grant in question is the uncertainty of the beginning corner; it would certainly be proper to infer, that if the first or beginning corner was on the sea shore, and the grant called for the shore as the front of the claim, that the 2d or most westerly corner should be at the mouth of the bayou.

Answer to 5th interrogatory: As a general rule it does.

(Signed) A. DOWNING.

STATE OF MISSISSIPPI, *Hinds county, ss:*

The foregoing deposition was taken, subscribed, and sworn to, by A. Downing, before me, an acting justice of the peace in and for Hinds county, for the purposes stated in the caption. Given under my hand and seal, this 6th day of November, 1847.

(Signed) WILLIAM H. TAYLOR, *J. P.* [L. S.]

HEIRS OF BOISDORE, }
vs.
THE UNITED STATES. }

In the district court, United States, sitting at Jackson, for trial of Spanish claims.

Interrogatories on behalf of defendants to Daniel and J. W. Williams; which depositions, when obtained, will be offered as evidence on behalf of defendants in the above stated case.

To Lewis Daniel.

1st. Have you in your possession an original deed from the heirs of Boisdore, dated September 5th, 1826, executed by Noel Jourdan, by substitution of Valery Nicholas, acknowledged before Willet H. Arnold on the same day, and recorded in the clerk's office of the probate court of Hancock county? If you have the original, please append it to your answer, and say whether it was executed as it purports on its face to have been; if you have not the original, or it is lost, please say whether the annexed paper, purporting to be a certified copy, is a true copy of the said original. Is the consideration correctly stated, and did you pay the money, and to whom? Please, also, look at the annexed power of attorney from Nicholas Valery to Noel Jourdan, and if you have the original append it also to your answer, and say what you know of its genuineness; if you have it not, say whether the copy is a correct one.

2d. Do you know the heirs of Boisdore, who are yet living? If you do, please state their names, ages, and residence.

3d. Is the land, or any part of it conveyed by said deed, embraced in the 1,280 acres confirmed to the heirs of Boisdore by the act of Congress of 1830; and have the said heirs, or any of them, sanctioned or confirmed your title since the said 1,280 acres was surveyed under said act of Congress; and if so, how?

4th. To whom did you pay the purchase money mentioned in the deed to you?

5th. If you know anything further material for the defendants, please state it fully.

To J. W. Williams, esq.

1st. Have you at any time recently had any conversation with Elihu Carver, in relation to his interrogatory in this suit? If so, please state what it was.

2d. If you know anything further material for defendants, please state it fully.

(Signed) R. M. GAINES, *U. S. Att'y.*

Agreed that the depositions of these witnesses may be taken before Willis Arnold, esq., justice of the peace, or the probate judge of Hancock county, waiving notice, commission, &c., and reserving only objections to the competency of interrogatories and testimony. Cross interrogatories to be put by the Hon. John Henderson, if he desires to do so.

(Signed) R. M. GAINES, *U. S. Att'y.*

Cross interrogatories by plaintiffs to Lewis Daniels and J. W. Williams, witnesses for the United States.

1st. Cross interrogatory to Lewis Daniel.

Have you any other evidence of title, or deed of sale, for land referred to by defendants, than the original herewith represented by copy marked (A,) signed by Noel Jourdan, and of date 5th Sept., 1826.

2d. Does not this deed cover much more land than 1,280 acres, and how much does it cover?

3d. Does not the 1,280 acre survey, made by Carver under the act of 1830, cover part, or all, of Socier's claim, and how much of the 1,280 acre survey is laid down on the lands covered by the deed marked (A.)

4th. If you paid the sum of $1,690 70 cents, specified in the deed (A,) to whom did you pay it, and when; did you pay interest, did you take a receipt, and from whom is the receipt?

5th. If you know any of the heirs of Louis Boisdoré, state where you have known them, the names of each, and the extent of your acquaintance.

(Signed) JOHN HENDERSON,
Att'y for plffs.

Cross interrogatories to J. W. Williams.

If you heard Mr. Carver speak of any interest involved in this controversy, be particular to say whether he professed to have an associated interest with the complainants on the record; and if so, specify what it was; or whether it was only an interest in a piece of land lying within the Boisdoré claim; and how came he to speak of his interest?

(Signed) JOHN HENDERSON,
Att'y for compts.

Mark A.

This indenture, made the fifth day of September, in the year of our Lord one thousand eight hundred and twenty six, between the heirs of Don Louis Boisdoré, late of New Orleans, in the State of Louisiana, by their agent, Valery Nicholas, of the same place, under and by virtue of a letter of attorney from the said heirs, under date of first day of November, in the year 1823, by substitution of Noel Jourdan, and recorded in the office of the clerk of the county of Hancock, in the State of Mississippi, in book A of records, pages 367 and 368, of the first part, and Lewis Daniell, of the county and State last aforesaid, of the second part, witnesseth: That the said parties of the first part, for and in consideration of the sum of one thousand six hundred and ninety dollars and seventeen cents, lawful money of the United States of America, to them in hand paid, at or before the ensealing and delivery of these presents by the said party of the second part, the receipt whereof is hereby acknowledged, and the said party of the second part, his heirs, executors, and administrators, forever released and discharged from the same by these presents, have granted, bargained, sold, aliened, remised, released, conveyed, and confirmed, and by these presents do

grant, bargain, sell, alien, remise, release, convey, and confirm, unto the said party of the second part, and to his heirs and assigns forever, all the land contained in the following description, to wit: Beginning at a post on Molatto bayou, at the southwest corner of the land of Francois Saucier; thence east seventy-five chains forty-three links, to a post; thence north forty-five degrees east, fifty-six chains and sixty-five links, to a post; thence east eighty chains, to a post, northeast corner; thence south two chains, to a post; thence south sixty-six degrees west, eighteen chains, to a post; thence south sixty-seven degrees west *west*, forty-five chains, to a post; thence south forty-nine degrees west, thirty-five chains, to a post; thence west twenty chains, to a post; thence south seven degrees east, fourteen chains, to a post on the Cut-off bayou; thence south eighty-five degrees west, along the north bank of said bayou, twelve chains, to a post; thence north sixty-four degrees west, twenty-one chains, to a post; thence west eight chains fifty links, to the Molatto bayou; thence along the said bayou to the place of beginning; and also all the marsh lands in section two, three, thirty-five, and thirty-six; also the land on two small islands, the one called Pea island, or British encampment, washed by Pearl river and Ripley's bayou, including all the marsh land on the same, down to the adjoining water-courses; the other, called Long island, situated on the east of Pearl river, extending down to said river and the lake, and divided from the main land by Ripley's bayou all which will fully appear by a plat of a survey made by Elihu Carver, esquire, and hereto annexed. Together with all and singular the tenements, hereditaments, and appurtenances whatsoever, unto the said above mentioned and described premises in anywise appertaining or belonging; and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof. And also all the estate, right, title, interest, dower, and right of dower, property, possession, claim, and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in, or to the same, and every part and parcel thereof, with the appurtenances: To have and to hold the above granted, bargained, and described premises, with the appurtenances, unto the said party of the second part, his heirs and assigns, to his and their own proper use and benefit and behoof forever. And the said parties of the first part, for themselves, and their heirs, executors, and administrators, do covenant, grant, promise, and agree, to and with the said party of the second part, his heirs and assigns, that they, the said parties of the first part, at the time of the sealing and delivery of these presents, are lawfully seized in fee of a good, absolute, and indefeasible estate of inheritance in fee simple, of and in all and singular the above granted, bargained, and described premises, with the appurtenances, and have good right, full power, and lawful authority to grant, bargain, sell, and convey the same, in manner and form aforesaid. And that the said party of the second part, his heirs and assigns, shall and may, at all times hereafter, peaceably and quietly have, hold, use, occupy, and possess and enjoy, the above granted premises, and every part and parcel thereof, with the appurtenances, without any let,

suit, trouble, molestation, eviction, or disturbance of the said parties of the first part, their heirs or assigns, or of any other person or persons lawfully claiming or to claim the same; and that the same are now free, clear, discharged and unencumbered, of and from all former and other grants, titles, and charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever the same might be. And also that the said parties of the first part, and their heirs, and all and every other person or persons whomsoever, lawfully or equitably deriving any estate, right, title, or interest, of, in, or to the hereinbefore granted premises, by, from, under, or in trust for them, shall and will, at any time or times hereafter, upon the reasonable request, and at the proper costs and charges in the law of the said party of the second part, his heirs and assigns, make, do, and execute, or cause or procure to be made, done, and executed, all and every such further and other lawful and reasonable acts, conveyances, and assurances in the law, for the better and more effectually vesting and confirming the premises hereby intended to be granted in and to the said party of the second part, his heirs and assigns forever, as by the said party of the second part, his heirs or assigns, or his or their counsel learned in the law, shall be reasonably devised, advised, or required. And the said parties of the first part, and their heirs, the above described and hereby granted and released premises, and every part and parcel thereof, with the appurtenances, unto the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend.

In witness whereof the parties to these have hereunto interchangeably set their hands and seals, the day and year first above written.

(Signed) NOEL JORDAN, [L. S.]
By substitution of Valorié Nicholas, attorney for the heirs of Dn. Louis Boisdoré.

Sealed and delivered in the presence of—
P. RUTILIUS,
R. PRAY,
HOLDEN W. COLE.

STATE OF MISSISSIPPI, *Hancock county:*

Personally appeared before me, Willis H. Arnold, a justice of the peace of said county, the within named Noel Jourdan, who acknowledged that he signed, sealed, and delivered the within deed, on the day and year therein mentioned, as his act and deed.

Given under my hand and seal, this fifth day of September, in the year of our Lord one thousand eight hundred and twenty-six.

(Signed) WILLIS H. ARNOLD, *J. P.* [L. S.]

THE STATE OF MISSISSIPPI, *Hancock county:*

I, Benjamin Jones, clerk of the probate court of said county and State, do hereby certify, that the foregoing pages contain a true and correct copy of the original deed, as the same is of record in my office.

Given under my hand, and seal of office hereto affixed, at Gainesville, this 18th day of January, in the year of our Lord one thousand eight hundred and forty-seven.
[L. S.]
(Signed) B. JONES, *Clerk*.

Pardevant Philippe Pedesclaux, notaire public pour la ville et paroisse de la Nouvelle-Orléans, et en présence des témoins ci-après nommés, fut présent M. Valery Nicholas, demeurant en cette ville, lequel a dit et déclaré qu'en vertu, 1o, de la procuration que la Dame Félicité Boisdoré, veuve du Sieur Gilbert Guillemard, lui a donnée, par *date* passé devant Joseph Massot, officier commandant à Pensacola, daté du six août mil huit cent dix-sept; 2o. de la procuration de Rose Boisdoré, épouse, dûment autorisée de M. William La Carre, [par acte] passé devant Michel Garcia, notaire en la ville de la Havana, le douze août mil huit cent dix-neuf; 3o, de la procuration de Valery Boisdoré, Manette Boisdoré, dûment autorisée par le Sieur Jean Baptiste Dejan, cadet, son époux, et Margarette Boisdoré, dûment autorisée par le Sieur Valery Nicholas, son époux, suivant acte passé devant le notaire soussigné, le cinq juillet mil huit cent dix-neuf; 4o et enfin, le dit Sieur Valery Nicholas, au nom et comme étant aux droits et comme cessionnaire du défunt Sieur Louis Boisdoré, ainsi qu'il appert de l'acte passé devant le notaire soussigné, le deux juillet mil huit cent dix-neuf: Les dits Félicité Boisdoré, Rose Boisdoré, Valery Boisdoré, Margarette Boisdoré, Manette Boisdoré, et le dit défunt Louis Boisdoré, ce dernier représenté par le dit Sieur Valery Nicholas, son cessionnaire, au nom et comme étant habiles à se dire et porter chacun pour un sixième du dit défunt Sieur Louis Boisdoré, et de la défunte Dame Marguerite Doussin, leurs père et mère légitimes: Lequel comparant, dits noms usant de la faculté à lui accordée dans les procurations à lui données, et dont il a été ci-dessus fait mention, et encore comme cessionnaire et comme étant aux droits du dit défunt Sieur Louis Boisdoré, a, par ces présentes, substitué en son lieu et place, et donné plein et entier pouvoir à M. Noel Jourdan, demeurant à la baie St. Louis, dans l'Etat du Mississippi, de, pour lui et dit nom, et pour ses constituants, vendre, aux termes, clauses et conditions qu'il jugera convenables, toutes les terres situées dans le dit Etat du Mississippi, comprises entre la rive est de la rivière aux Perles, la mer, le bayou Marengouin et les terres de M. Philippe Saucier, près la baie St. Louis, dépendantes des successions du dit défunt Sieur Louis Boisdoré et de la dite défunte Dame Margarette Doussin, son épouse; fixer le mode de paiement, recevoir tous billets, toucher toutes sommes provenant de la vente de la totalité ou de partie des dites terres, donner toutes décharges et quittances nécessaires, passer aux effets ci-dessus tous actes, soit devant tous officiers compétens, soit sous signature privée, [illegible] lesquels le comparant, en dits noms, promet de ratifier, si besoin est; défendre et stipuler tous les droits du constituant et dits noms, concernant les dites terres; en cas de contestations, ou à défaut de paiement de tous débiteurs, citer et comparaître, soit en demandant, soit en défendant, devant tous juges ou tribunaux, plaider, s'opposer, appeler, obtenir tous saisies, faire oppositions, prendre toutes

inscriptions, en donner main-levées, nommer tous avocats et défenseurs, et généralement faire par le procureur constitué tout ce qu'il jugera convenable pour le bien et avantage du dit sieur constituant et dit nom et de ses constituants.

Dont acte, fait et passé en l'étude à la Nouvelle-Orléans, le premier novembre mil huit cent vingt-trois, en présence de Messieurs L. S. Barbin et J. B. F. Pedesclaux.

THOMAS PEDESCLAUX,
Notary Public.

Pour copie conforme à son original resté en mon étude pour recours. Nouvelle-Orléans, le 1er novembre mil huit cent vingt-trois.

[Illegible] dite et pour ses constituants [illegible]

(Signed) THO. PEDESCLAUX, *Not. Public.*

THE STATE OF MISSISSIPPI, *Hancock county:*

I, Benjamin Jones, clerk of the probate court of said county and State aforesaid, do hereby certify, that the foregoing pages contain a true copy from the original power of attorney on record in my office.

Given under my hand, and seal of office hereto affixed, this 18th day of January, in the year of our Lord eighteen hundred and forty-seven. [L. S.]

(Signed) B. JONES, *Clerk.*

Heirs of BOISDORE, vs. The UNITED STATES. } In district court, U. S., sitting at Jackson, for trial of Spanish claims.

Louis Daniell, being duly sworn, makes the answers following to the annexed interrogatories and cross interrogatories:

Answer to 1st interrogatory. I have in my possession the original deed described in this interrogatory, and it was executed as it purports on its face to have been. Not being willing to part with the original, I will say that the paper annexed, and purporting to be a certified copy, is, I believe, a true copy of said original. The consideration is correctly stated. The payments were made partly to Noel Jourdan and part to Valery Nicholas. Of the power of attorney mentioned, I have not the original; tho[ugh] I have, I believe, a certified copy, and have no reason to doubt its genuineness; and I believe the annexed copy is a correct copy, so far as I know.

Answer to 2d interrogatory. I do not know the heirs of Boisdoré who are now living, having no personal acquaintance with any of them.

Answer to 3d interrogatory. A small part, say something over 600 acres, of the land conveyed by said deed is embraced in the 1280 confirmed as mentioned. I do not know that the said heirs have sanctioned, not having seen any of them, or received any letters or papers since 1830.

4th. This interrogatory is answered in my answer to the 1st interrogatory.

5th. I am not aware that I know any thing further material to defendants

(Signed) LEWIS DANIEL.

Sworn to and subscribed, 1st May, 1847, before—

(Signed) WILLIS H. ARNOLD, *J. P.* [L. S.]

Answers to cross interrogatories.

Answer to 1st cross interrogatory. I have no other written evidence of title or deed of sale for the land referred [to] by defendants, than the original, herewith represented by copy marked (A), signed and dated as mentioned in this cross interrogatory, except only a bond, with security in $4,000 penalty, of even date with the original deed, to secure the covenants of guaranty.

Answer to 2d cross interrogatory. The deed covers much more land than 1280 acres; cannot say exactly how much; perhaps four or five thousand acres, mostly marsh land.

Answer to 3d cross interrogatory. The 1280 acre survey made by Carver under the act of 1830, covers all of Socier's claim, leaving something over 600 acres of land covered by the deed marked A.

Answer to 4th cross interrogatory. The amount paid of the sum mentioned in the deed (A) was paid as mentioned in my answer to interrogatory 1st. Those payments were made many years ago, and before the year 1830. I do not know if interest was charged. For the payment made to Jourdan, as stated in answer to 1st interrogatory, I took a receipt. The payment mentioned to Valery was in cotton, shipped to him, and his account of sales is all the receipt I have from him.

Answer to 5th cross interrogatory. I only knew, of the reputed heirs, Valory Nicholas. Saw him once in Hancock, before the date of the deed referred to, and after in New Orleans; but I have understood he has been dead many years.

(Signed) LEWIS DANIELL.

Sworn to and subscribed, this 1st day of May, 1847, before me.

(Signed) WILLIS H. ARNOLD, *J. P.* [L. S.]

Direct interrogatories.

To the first interrogatory I answer, that about the middle of January last I had an interview with Mr. Carver, in the course of which he stated that he was deeply interested, viz., to the amount of nine thousand acres of land, if the suit determined in favor of the heirs of Boisdore

To the second interrogatory I answer, that I know nothing further material to the defendants.

Cross interrogatories.

I answer, that I had this interview with Mr. Carver for the purpose of ascertaining the respective localities of Mosketor village and Musketer bayou; and in the course of the conversation, or, rather, at the very opening of the conversation on his part, he stated that he was deeply interested, viz., to the amount of 9,000 acres of land, if the suit determined in favor of the heirs of Boisdore; but he did not say aught

whether his interest was an associate interest with the complainants in the record, or whether it was an interest in a piece of land lying within the Boisdore claim.

(Signed) J. W. WILLIAMS.

Sworn to and subscribed, the 26th day of April, 1847, before me.

(Signed) WILLIS H. ARNOLD, *J. P.* [L. S.]

Heirs of BOISDORE, vs. The UNITED STATES, } District court of southern district of Mississippi.

Agreed that E. Lauve, esq., may translate the enclosed papers, marked A, B, C, and that the same may be used as evidence, without further authentication or evidence of translation, if in other respects admissible or competent.

(Signed) JOHN HENDERSON,
Attorney for Boisdoré's heirs.
R. M. GAINES, *U. S. Attorney.*

A.

Pardevant Philippe Pedesclaux, notaire public pour la ville et paroisse de la Nouvelle-Orléans, et en présence des témoins ci-après nommés, fut présent M. Louis Boisdoré, demeurant à Tchifoncté, lequel a dit et déclaré qu'il a vendu à M. Valery Nicolas, il y a environ neuf ans, sa part dans les terres situées aux Appelousas, et depuis la rivière aux Perles jusqu'à la baie St. Louis, dépendantes de la succession de la dame ve. Boisdoré, sa mère, dont il est héritier pour une partie, pour la somme de trois cents piastres, qu'il reçut de lui alors comptant, et qu'il lui en passa un acte en forme devant Narcisse Broutin, père, alors notaire en cette ville; ayant eu besoin de se servir de cet acte, le Sieur Valery Nicolas se presenta en l'étude du Sieur Narcisse Broutin, et, après beaucoup de recherches, ne put pas le trouver; et le comparant, voulant faciliter au Sieur Valery Nicolas la disposition des dites terres, ou du moins de sa part dans ci-celles, vend, cède et transporte de nouveau, au dit Nicolas, tous ses droits et prétentions dans les dites terres, pour par le dit Nicolas enjouir, faire et disposer, comme de chose lui appartenant en toute propriété de maintenant et *le notaire*.

(Signé) L. BOISDORÉ.

VALERY NICOLAS,
V. BILOTE,
FOURCISY.

PHILIPPE PEDESCLAUX, *Not. Pub.*

Pour copie conforme a l'original resté en mon étude pour recours; en foi de quoi, j'ai signé les présentes, auxquelles j'ai apposé le sceau de mon office.

Nouvelle-Orléans, le 12 mars 1847.

[L. S.] (Signed) LOUIS T. CAIRE, *Not Pub.*

B.

Pardevant Philippe Pedesclaux, notaire public pour la ville et paroisse de la Nouvelle-Orléans, et en présence des témoins ci-après nommés,

Voyez une révocation de pouvoir par Dame Marie Madeline Boisdoré, veuve Dejan, à mon rapport en date du 9 novembre 1828. Louis T. Caire, *Not. Pub.*

Furent présens M. Valery Boisdoré et Dame Manette Boisdoré, épouse Sieur Jean Baptiste Dejan, cadet, demeurant en cette paroisse,* les dites Dames Déjan et Nicolas, spécialement autorisées par leur dits maris, aussi comparants;

*Dame Marguerite Boisdoré, épouse du Sieur Valery Nicolas, demeurant en cette ville.

J. B. C. D.
V. B.
M. B. D.
M. B. N.
V. B. Fr.
P.

Lesquels ont fait et constitué leur procureur-général spécial M. Valery Nicolas, demeurant en cette ville, auquel ils donnent pouvoir de, pour eux et en leur nom, rendre à telles personnes, à tel prix, et aux termes, clauses et conditions que le procureur constitué jugera convenables, toutes les terres situées aux Aploussas, et depuis la rivière aux Perles jusqu'à la baie St. Louis, dépendantes de la succession de défunte Dame Marguerite Doucin, ve. Louis Boisdoré, dont les comparans sont habiles à se porter héritiers chacun pour un sixième; fixer l'époque de l'entrée en jouissance, convenir du mode et de l'époque des paiemens, recevoir le prix, en donner quittance, obliger le constituant à toutes garanties, passer et signer tous actes, citer et comparaître aux effets ci-dessus devant tous juges [ou] tribunaux, plaider, s'opposer, appeler, obtenir tous jugemens, les faire mettre à exécution, former oppositions, faire toutes saisies, prendre inscriptions, en donner mainlevée et consentir la radiation, nommer tous avocats *avocats* et défenseurs, substituer tous mandataires, les révoquer, en substituer d'autres, et généralement faire par le constitué tout ce qu'il jugera convenable, s'obligeant, &c.

Fait et passé en l'étude à la Nouvelle-Orléans, le cinq juillet mil huit cent dix-neuf, en présence des Sieurs Michel Fourcisy et Vincent Bilote, témoins, qui ont signé avec les comparans et le notaire.

Les mots et Nicolas interlignés approuvés.

(Signé) VALERY BOISDORE,
JN. BTE. DEJAN et
MANETTE BOISDORE DEJAN,
MARGUERITE BOISDORE NICOLAS,
VALERY NICOLAS.

Bilote,
Fourcisy.

PHI. PEDESCLAUX, *Not. Pub.*

Pour copie conforme à l'original resté en mon étude pour recours; en foi de quoi, j'ai signé les présentes, auxquelles j'ai apposé le sceau de mon office. N. Orléans, 13 mars 1847.

[L. s.] (Signé) LOUIS T. CAIRE, *Not. Pub.*

C.

Procuration et substitution par Valery Nicolas et héritiers Boisdoré à Noel Jourdan. 1er novembre.

Pardevant Philippe Pedesclaux, notaire public pour la ville et paroisse de la N'elle Orléans, et en présence des témoins ci-après nommés,

Fut présent M. Valery Nicolas, demeurant en cette ville;

Lequel a dit et déclaré qu'en vertu, 1o, de la procuration que la Dame Félicité Boisdoré, veuve du Sieur Gilbert Guillemard, lui a donnée, par acte passé devant Joseph Masot, officier commandant à Pensacola, daté du six août mil huit cent dix-sept;

2o, de la procuration de Rose Boisdoré, épouse, dûment autorisée de M. William Labarre, [par acte] passé devant Michel Garcia, notaire en la ville de la Havana, le douze août mil huit cent dix-heuf;

3o, de la procuration de Valery Boisdoré, Manette Boisdoré, dûment autorisée par le Sieur Jean Baptiste Déjan, cadet, son époux, et Marguerite Boisdoré, dûment autorisée par le dit Sieur Valery Nicolas, son époux, suivant acte passé devant le notaire soussigné, le cinq juillet mil huit cent dix-neuf;

4o et enfin, le dit Sieur Valery Nicolas, au nom et comme étant aux droits, et comme cessionnaire du défunt Sieur Louis Boisdoré, ainsi qu'il appert de l'acte passé devant le notaire soussigné, le deux juillet mil huit cent dix-neuf:

Les dits Félicité Boisdoré, Rose Boisdoré, Valery Boisdoré, Manette Boisdoré, Marguerite Boisdoré, et le dit défunt Louis Boisdoré, (ce dernier représenté par le dit Sieur Valery Nicolas, son cessionnaire,) au nom et comme étant habiles à se dire et porter chacun pour un sixième du dit défunt Sieur Louis Boisdoré et de la défunte Dame Marguerite Doussin, leurs père et mère légitimes:

Lequel comparant, dits noms usant de la faculté à lui accordée dans les procurations à lui données, et dont il a été ci-dessus fait mention, et encore comme cessionnaire et comme étant aux droits du dit défunt Sieur Louis Boisdoré, a, par ces présentes, substitué en son lieu et place, et donné plein et entier pouvoir, à M. Noel Jourdan, demeurant à la baie St. Louis, dans l'Etat du Mississippi, de, pour lui et dit nom, et pour ses constituants, vendre, aux termes et clauses et conditions qu'il jugera convenables, toutes les terres situées dans le dit Etat du Mississippi, comprises [entre] la rive est de la rivière aux Perles, la mer, le bayou Maringouins, et les terres de M. Philippe Saucier, près la baie St. Louis, dépendantes des successions du défunt Sieur Louis Boisdoré [et de] la dite défunte Dame Marguerite Doussin, son épouse; fixer le mode des paiements, recevoir tous billets, toucher toutes sommes provenant de la vente de la totalité ou de partie des dites terres, donner toutes décharges et quittances nécessaires, passer aux effets ci-dessus tous actes, soit devant tous officiers compétens, soit sous signature privée, lesquels le comparant, en dits noms, promet de ratifier, si besoin est;

Défendre et stipuler tous les droits du constituant et dits noms, concernant les dites terres;

En cas de contestations, ou à défaut de paiement de tous débiteurs, citer et comparaître, soit en demandant, soit en défendant, devant tous juges et tribunaux, plaider, s'opposer, appeler, obtenir tous jugemens, les faire [mettre] à exécution, obtenir *obtenir* toutes saisies, faire oppositions, prendre toutes inscriptions, en donner main-levées, nommer tous avocats et défenseurs, et généralement faire par le procureur constitué tout ce qu'il jugera convenable pour le bien et avantage du dit sieur constituant et dit nom et de ses constituants.

Dont acte, fait et passé en l'étude à la Nouvelle-Orléans, le premier novembre mil huit cent vingt-trois, en présence de Messieurs L. J. Barbin et J. B. F. Pedesclaux, témoins à ce requis et domiciliés en cette ville, qui ont signé avec le comparant et le notaire.

Les mots "de pour lui et dits noms, et pour ses constituants," rayés nuls.

(Signed) VALERY NICOLAS.

L. J. BARBIN.

PHI. PEDESCLAUX, *Not. Pub.*

N. B.—J. B. F. Pedesclaux, un des témoins, n'a pas signé l'original.

Pour copie conforme à l'original resté en mon étude pour recours; en foi de quoi, j'ai signé les présentes, auxquelles j'ai apposé [le] sceau de mon office.

N'elle-Orléans, 12 mars 1847.

[L. S.] (Signed) LOUIS T. CAIRE, *Not. Pub.*

A.

Before me, Philippe Pedesclaux, notary public for the city and parish of New Orleans, and in the presence of the witnesses hereinafter named and undersigned, personally appeared Mr. Louis Boisdoré, residing at Tchifunté, who said and declared that, about nine years ago, he sold unto Mr. Valery Nicolas his portion in and to certain lands situated in Opelosas, and from Pearl river to the bay of St. Louis, accruing from the estate of Mrs. Louis Boisdoré, (widow,) his mother, of whom he, the said Boisdoré, is an heir, for the sum of three hundred dollars, to him in hand paid cash by the said purchaser; that a deed of sale was in due form passed at the time before Narcisse Brontin Surthen, a notary public in this city; that the said Valery Nicolas, finding himself in the necessity of referring to said deed, presented himself at the office of the said Narcisse Brontin, and then and there, after diligent search, said deed could not be found.

Now the said appearer, with a view of granting to the said Valery Nicolas a title to said property so as to facilitate to him the selling of said lands, or at least the selling of his portion in and to the same, he does hereby sell, convey, and transfer anew, unto the said Nicolas, all his rights and claim in and to said lands; so that the said Nicolas may enjoy and dispose of the same, as lawfully belonging to him, from this day and forever.

Done and passed in my office, at New Orleans, on the second day of July, eighteen hundred and nineteen, in presence of Messrs. Michel Fourcisy and Vincent Bilote, witnesses, who have signed with the appearer and the notary.

(Signed) L. BOISDORE,
VALERY NICOLAS,
PHILIPPE PEDESCLAUY,
Notary public.

V. BILOTE,
FOURCISY.

A true copy from the original act deposited in my records. In faith whereof I have signed these presents, and affixed my seal of office. New Orleans, March 12, 1847.
[L. S.]
(Signed) LOUIS T. CAIRE, *Notary Pub.*

I hereby certify the foregoing to be a true and faithful translation from a certain document, written in the French language, marked A, and presented to me by R. M. Gaines, esq., and purporting to be a sale of lands by Louis Boisdoré to Valery Nicholas. New Orleans, March 18, 1847.

(Signed) ED. LAUVE.

B.

See a revocation of power by Mrs. Marie Madeleine Boisdoré, Widow Dejean, in my office, under date of 19th November, 1828.
LOUIS T. CAIRE, *Not. Pub.*

Before Philippe Pedesclaux, notary public for the city and parish of New Orleans, and in presence of the witnesses hereinafter named, personally appeared Mr. Valery Boisdoré and Mrs. Manette Boisdoré, wife of Mr. Jean Baptiste Dejean, junior, residing in this parish, Mrs. Marguerite Boisdoré, wife of Mr. Valery Nicolas, residing in this city; the said Mrs. Dejean and Mrs. Nicolas duly assisted and authorized by their said husbands here present, who declared that they have made and appointed Mr. Valery Nicolas, of this city, to be their true and lawful attorney in fact, general and special, giving and granting, by these presents, unto their said attorney full power and authority, for them, in their name, and on their behalf, to sell, bargain, and transfer, unto whomsoever, for such price, and at such terms, clauses, and conditions, which he, the said attorney, may think fit or proper, all the lands lying and situated at Opelousas, and from Pearl river to the bay of St. Louis, accruing from the estate of Mrs. Margaret Dousin, widow of Louis Boisdore, and of whom the said appearers are the legitimate heirs each for one sixth part. To specify the period of delivery of said lands, the mode and terms of payment, to receive the price of sale, give receipt of payment to the purchaser, to demand the necessary guaranties, to execute all deeds, to appear before all courts of law and equity for the object hereabove stated, to oppose and appeal as occasion may require, to obtain all judgments, have the same recorded or executed, to oppose execution, to record all judgments to release the same, to execute all

seizures, to appoint attorneys, substitute all attorneys in fact, to revoke them, and appoint others, and generally to do and perform all and whatsoever the said attorney may think fit or proper; promising and binding themselves, &c., &c.

Done and passed in my office, at New Orleans, this fifth day of July, eighteen hundred and nineteen, in presence of Messrs. Michel Fourcisy and Vincent Bilote, witnesses, who have signed with the appearers and the notary.

(Signed) VALERY BOISDORE,
MANETTE BOISDORE DEJEAN,
VALERY NICOLAS,
JEAN BAPTISTE DEJEAN,
MARGUERITE BOISDORE NICOLAS,
PHILIPPE PEDESCLAUX,
Notary public.

V. BILOTE,
FOURCISY.

A true copy from the original deed on file in my office. In faith whereof I have signed these presents, and affixed my seal of office hereto. New Orleans, 13th March, 1847.
[L. S.]

(Signed) LOUIS T. CAIRE,
Notary Public.

I certify the foregoing to be a true and faithful translation of a certain document, written in the French language, and marked B, which was handed to me by R. M. Gaines, esq., and which purports to be a power of attorney by Mr. V. Boisdore, Mrs. M. Boisdoré, wife of J. B. Dejean, jr., and Mrs. M. Boisdore, wife of Valery Nicolas, to Mr. V. Nicolas. New Orleans, March 18, 1847.

(Signed) ED. LAUVE.

C.

Power and substitution by Valery Nicolas and Boisdoré's heirs, to Noel Jourdan, 1st November.

Before Philippe Pedesclaux, notary public for the city and parish of New Orleans, and in presence of the witnesses hereinafter named, personally appeared Mr. Valery Nicolas, residing in this city, who declared that, by virtue of—

1st. The power of attorney granted to him by Felicite Boisdoré, widow, Gilbert Guillemar, as per act passed before Joseph Masot, commanding officer at Pensacola, under date of the sixth of August, eighteen hundred and nineteen.

2d. The power of attorney to him granted by Rose Boisdoré, wife of Wm. La Banc, and by him duly assisted and authorized, according to an act passed before Michel Garcia, notary public, at the city of Havana, on the twelfth of August, eighteen hundred and nineteen.

3d. The power of attorney to him granted by Valery Boisdore, Manette Boisdore, duly authorized by her husband, Jean Baptiste Dejean, jr., and Marguerite Boisdore, duly authorized by Valery Nicolas, her

husband, as per act passed before the notary undersigned, on the fifth day of July, eighteen hundred and nineteen.

4th. And finally, the said Valery Nicolas, for and as representing Louis Boisdore, deceased, to whose rights he, the said Nicolas, is subrogated, as will more fully appear by an act passed by the notary undersigned, on the second day of July, eighteen hundred and nineteen.

The said Felicite Boisdoré, Rose Boisdoré, Valery Boisdoré, Manette Boisdoré, Marguerite Boisdoré, and the said deceased Louis Boisdore, herein represented by the said Valery Nicolas, in the name and in their capacity of heirs for one sixth part each in and to the estates of the said Louis Boisdoré and Marguerite Doussin, their father and mother.

Which said appearer, in his aforesaid capacity, herein acting by virtue of the powers to him granted and hereabove recited, and moreover acting in his own personal name as subrogated to the rights of the deceased Louis Boisdore, declares that he does, by these presents, substitute, and in his lieu and stead put and depute Mr. Noel Jourdan, residing at the bay of St. Louis, in the State of Mississippi, granting unto him full power and authority to sell, in his and his constituents' names, for the price and on the terms, clauses, and conditions he shall in his discretion think fit, all the lands situated in the said State of Mississippi, comprising the eastern shore of Pearl river, the sea, the bayou Maringonin, and the lands of Philippe Saucier, near the bay of St. Louis, accruing from the estates of Louis Boisdoré and Mrs. Margaret Doussin, his wife, both deceased, to state the mode of payment, receive all notes or sums arising from the sale of the whole or part of said lands, give all necessary discharge and release, and for the above mentioned object grant all deeds, either notarial or under private signatures, hereby promising the said appearer to ratify or confirm the same if necessary.

To defend and establish the right of him, the said constituent, in and to said lands.

In case of dispute or contestation, or in default of payment on the part of all debtors, to appear, either as plaintiff or defendant, before all courts of law and equity, to sue, oppose, appeal, obtain judgments, have the same executed, obtain all seisury, have the judgments recorded, and release the same; and, finally, to do and perform all and whatsoever the said attorney in fact shall think fit and proper for the interest and benefit of the said constituent personally, and of the above named heirs.

This done and passed in my office, in New Orleans, the first day of November, eighteen hundred and twenty-three, in the presence of Messrs. L. J. Barbin and P. B. F. Pedesclaux, witnesses, residing in this city, who have signed with the appearer and the notary.

(Signed,) VALERY NICOLAS,
L. P. BARBIN,
PHILIPPE PEDESCLAUX,
Notary Public.

N. B.—J. B. F. Pedesclaux, one of the witnesses, did not sign the original act.

A true copy from the original on file in my office for reference. In faith whereof I have signed these presents, and affixed hereto my seal of office.

[L. S.] (Signed,) LOUIS T. CAIRE,
Notary Public.

I hereby certify the foregoing to be a true and faithful translation of a certain document marked C, which was handed to me by R. M. Gaines, esq., to be translated from French into English; which document purports to be a special power of attorney by Valery Nicolas to Noel Jourdan.

New Orleans, March 18, 1847.

(Signed,) ED. LAUVE.

Afterwards, to wit, at a district court of the United States, for district aforesaid, held at the city of Jackson, on the 12th day of November, A. D. 1847, the following agreement, by consent of parties, was ordered to be entered on the minutes of the court, and made part of the record in this case, to wit:

THE HEIRS and LEGAL REPRESENTATIVES of LOUIS BOISDORE, deceased,
vs.
THE UNITED STATES.

On the hearing of this cause, the counsel for the United States objected to the reading of the grant or concession by Governor Miro, and

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the other Spanish documents, on the ground that there was no sufficient evidence of their execution. He also objected to the evidence contained in exhibit B, upon the ground that it consisted merely of ex parte affidavits, and also that there was nothing in the certificate of the register of the land office, nor any evidence of any kind to shew that the said affidavits were ever received or acted on by any board of commissioners, so as to bring it within the provisions of the act of Congress of 1824; but the court overruled all said objections, and admitted said testimony. The deposition of Chalon, Boisdore, and Preval, were read without objections.

I, John Henderson, solicitor for petitioners, admit the above statement as true, and consent the same shall be made part of the record, as the court may approve; I reserving exception that said objections were only put at the hearing of the cause.

(Signed,) JOHN HENDERSON,
For Petitioners.

Decree.

And now, at this term, the above entitled cause came on to be heard, and was argued by counsel on both sides; and thereupon, and after due consideration thereof, his honor, Samuel J. Gholson, the judge of said district, sitting as chancellor, doth order, adjudge, and decree, that the claim and title of the complainants for the tract of land described and set forth in their petition, to wit, a grant or concession made on the day of , 1783, by Stephen Miro, former Spanish governor of the then province of Louisiana, to Louis Boisdoré, then resident of said province, and since deceased, which land was situate in that part of said province lying east of the island of Orleans, south of the 31st degree of north latitude, and between the Mississippi and Perdido river, and which land is now situate in Hancock county, in said State of Mississippi, be, and the same is hereby confirmed to said petitioners, in full property.

And it is further adjudged, that the right of the petitioners and the right of their ancestor to said claim was secured to them, and is hereby validated, under the treaty of Paris for the cession of Louisiana to the United States in 1803, and the laws of nations applicable to such transfer; and the same is now adjudicated in pursuance of the act of Congress of 26th May, 1824, as revived and re-enacted by the act of Congress of 17th June, 1844.

And it is further adjudged and decreed, that the tract of land, whereof title is so hereby confirmed, shall be surveyed and bounded as follows, namely: having its beginning corner at that point on the sea shore at the entrance of the bay of St. Louis, where the southeast corner of Joseph and Martial Nicaise claim, formerly the claim of Philip Socier, has been established by the survey made thereof by authority of United States, as approved and recorded; thence southwestwardly, by the meanders of the sea shore, to the mouth of East Pearl river; thence up said river to the point on the northeast side where the easternmost mouth of the bayou Marangorin, otherwise called Mulatto bayou, intersects and empties into the said Pearl river, and which mouth, so here intended to be described, is identical with that sometimes called the lower mouth of the Pearl river cut-off, and which point shall constitute the second front corner of the claim. From one of these front corners to the other, in a direct course, shall be drawn a theoretic base line, and from each extremity of said base line, and perpendicular thereto, shall be projected the side lines of said claim, to be laid down in a direct course, and parallel to each other, till each, respectively, shall intersect the Pearl river, between which two points of intersection the meanders of Pearl river shall constitute the conjunction line of said survey. And it is further ordered, that the surveyor who shall execute the boundary hereby directed shall note and report all intersections of the side lines with the public surveys of the United States heretofore extended over said land; and especially note and shew the form and extent of all interfering private claims held adversely to the petitioners, under grant or